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Washington, Friday, April 28, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10125

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE CHICAGO & ILLINOIS MIDLAND RAILWAY COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Chicago & Illinois Midland Railway Company, a carrier, and certain of its employees represented by the Brotherhood of Railroad Trainmen, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a large section of the country of essential transportation service;

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be peculiarly or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Chicago & Illinois Midland Railway Company or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 26, 1950.

[F. R. Doc. 50-3675; Filed, Apr. 26, 1950; 5:15 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs [Amtd. 4]

PART 517—FRUITS AND BERRIES, FRESH

TERMS AND CONDITIONS OF FRESH APPLE EXPORT PROGRAM; EXTENDING FINAL DATES

Eligibility for payment. The final date filing Form FV-427, "Declaration of Sale and Intent To Export Fresh Apples Under Program QMX 96a" (as provided in § 517.104 (a)), shall be 12:00 o'clock midnight May 31, 1950.

The final date of export (as provided in § 517.104 (c)) is hereby extended to 12:00 o'clock midnight May 31, 1950.

Claims supported by proof of exportation. The final date for filing claims for payment (Form FDA-564, "Public Voucher-Diversion Programs," and supporting documents, as provided in § 517.105 (a)) is hereby extended to 12:00 o'clock midnight June 30, 1950.

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., April 25, 1950.

(Sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. and Sup., 612c)

Dated this 24th day of April 1950.

[SEAL] S. R. SMITH,
Authorized Representative of
the Secretary of Agriculture.

[F. R. Doc. 50-3600; Filed, Apr. 27, 1950; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter K—Federal Seed Act

PART 201—FEDERAL SEED ACT REGULATIONS MISCELLANEOUS AMENDMENTS

Pursuant to section 402 of the Federal Seed Act (7 U. S. C. 1592) and after

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| public hearing, held on August 30, 1949, notice of which was published in the FEDERAL REGISTER of August 6, 1949 (14 F. R. 4876), and after due consideration of all relevant materials presented pursuant to such notice, as well as the proposals set forth therein, the following amendments to the rules and regulations of the Secretary of Agriculture under said act (7 CFR 201.1 to 201.159) are hereby promulgated and shall become effective on July 1, 1950: | |

1. Section 201.2 (h) and (i) are amended to read respectively as follows:

(h) *Agricultural seeds.* The term "agricultural seeds" means the following grass, forage, and field crop seeds:

Alfalfa—*Medicago sativa* L.
 Alfalfa—*Erodium cicutarium* (L.) L'Her.
 Bahia grass—*Paspalum notatum* Flugge.
 Barley—*Hordeum vulgare* L.
 Beans:
 Adzuki—*Phaseolus angularis* Willd.
 Field—*Phaseolus vulgaris* L.
 Mung—*Phaseolus aureus* Roxb.
 Velvet—*Stizolobium derringtonianum* Bort.
 Beet, field, excluding sugar beet—*Beta vulgaris* L.
 Beggarweed—*Desmodium tortuosum* (Sev.) DC.
 Bentgrass:
 Astoria, Colonial, Highland—*Agrostis tenuis* Sibth.
 Creeping—*Agrostis palustris* Huds.
 Velvet—*Agrostis canina* L.
 Bermuda grass—*Cynodon dactylon* (L.) Pers.
 Bluegrass:
 Annual—*Poa annua* L.
 Bulbous—*Poa bulbosa* L.
 Canada—*Poa compressa* L.
 Kentucky—*Poa pratensis* L.
 Nevada—*Poa nevadensis* Vasey.
 Rough—*Poa trivialis* L.
 Texas—*Poa arachnifera* Torr.
 Wood—*Poa nemoralis* L.
 Bluestem:
 Big—*Andropogon furcatus* Muhl.
 Little—*Andropogon scoparius* Michx.
 Sand—*Andropogon hallii* Hack.
 Brome:
 Mountain—*Bromus marginatus* Nees.
 Smooth—*Bromus inermis* Leyss.
 Broomcorn—*Sorghum vulgare* var. *technicum* (Koern.) Jav.
 Buckwheat—*Fagopyrum esculentum* Moench. (*P. vulgare* Hill.)
 Buffalo grass—*Buchloe dactyloides* (Nutt.) Engl.
 Canary grass—*Phalaris canariensis* L.
 Canary grass, reed—*Phalaris arundinacea* L.
 Carpet grass—*Axonopus affinis* Chase.
 Chickpea—*Cicer arietinum* L.
 Clovers:
 Alsike—*Trifolium hybridum* L.
 Alyce—*Alysicarpus vaginalis* (L.) DC.
 Berseem—*Trifolium alexandrinum* L.
 Bur—*Medicago hispida* Gaertn.
 Bur, spotted—*Medicago arabica* (L.) All.
 Cluster—*Trifolium glomeratum* L.
 Crimson—*Trifolium incarnatum* L.
 Ladino—*Trifolium repens* L.
 Leppa—*Trifolium lappaceum* L.
 Large hop—*Trifolium procumbens* L.
 Persian—*Trifolium resupinatum* L.
 Red—*Trifolium pratense* L.
 Sour—*Melilotus indica* (L.) All.
 Strawberry—*Trifolium fragiferum* L.
 Sub (Subterranean)—*Trifolium subterraneum* L.
 Suckling (small hop)—*Trifolium dubium* Sibth.
 Sweet:
 Yellow—*Melilotus officinalis* (L.) Lam.
 White—*Melilotus alba* Desr.
 White—*Trifolium repens* L.
 Corn:
 Field—*Zea mays* L.
 Pop—*Zea mays* var. *evarta* (Sturt.) Bailey
 Cotton—*Gossypium* spp.
 Cowpea—*Vigna sinensis* (Torner) Savi.
 Crested dogtail—*Cynosurus cristatus* L.
 Crotalaria:
 Crotalaria—*Crotalaria intermedia* Kotschy.
 Crotalaria—*Crotalaria spectabilis* Roth.
 Lance—*Crotalaria lanceolata* E. Mey.
 Striated—*Crotalaria striata* DC.
 Sunn—*Crotalaria juncea* L.
 Dallis grass—*Paspalum dilatatum* Polr.
 Dropseed, sand—*Sporobolus cryptandrus* (Torr.) A. Gray.

Fescue:

Chewings—*Festuca rubra* var. *commutata* Gaud.
 Hair—*Festuca capillata* Lam.
 Meadow—*Festuca elatior* L.
 Red—*Festuca rubra* L.
 Sheep—*Festuca ovina* L.
 Tall—*Festuca arundinacea* Schreb.
 Flax—*Linum usitatissimum* L.
 Grama:
 Blue—*Bouteloua gracilis* (H. B. K.) Lag.
 Side-oats—*Bouteloua curtipendula* (Michx.) Torr.
 Guinea grass—*Panicum maximum* Jacq.
 Harding grass—*Phalaris tuberosa* var. *stenoptera* (Hack.) Hitchc.
 Hemp—*Cannabis sativa* L.
 Indian grass, Yellow—*Sorghastrum nutans* (L.) Nash.
 Japanese lawn grass—*Zoysia japonica* Steud.
 Johnson grass—*Sorghum halepense* (L.) Pers.
 Kudzu—*Pueraria thunbergiana* (Sieb. and Zucc.) Benth.
 Lespedeza:
 Common and Kobe—*Lespedeza striata* (Thunb.) Hook. and Arn.
 Korean—*Lespedeza stipulacea* Maxim.
 Sericea or Chinese—*Lespedeza cuneata* (Dumont) D. Don. [*L. sericea* (Thunb.) Miq.].
 Siberian—*Lespedeza hedysaroides* (Pallas) Ricker.
 Lovegrass, weeping—*Eragrostis curvula* (Schrad.) Nees.
 Lupine—*Lupinus* spp. (other than ornamental).
 Manila grass—*Zoysia matrella* (L.) Merr.
 Meadow foxtail—*Alopecurus pratensis* L.
 Medick, black—*Medicago lupulina* L.
 Millet:
 Brown-top—*Panicum fasciculatum* Swartz.
 Foxtail (German, Hungarian, or golden)—*Setaria italica* (L.) Beauv.
 Japanese—*Echinochloa crusgalli* var. *frumentacea* (Roxb.) Wight.
 Pearl—*Pennisetum glaucum* (L.) R. Br.
 Proso—*Panicum miliaceum* L.
 Molasses grass—*Melinis minutiflora* Beauv.
 Mustard:
 Black—*Brassica nigra* Koch.
 White—*Brassica hirta* Moench.
 Napier grass—*Pennisetum purpureum* Schumacher.
 Oat—*Avena* spp.
 Oatgrass, tall—*Arrhenatherum elatius* (L.) Mert. and Koch.
 Orchard grass—*Dactylis glomerata* L.
 Panic grass, blue—*Panicum antidotale* Retz.
 Peanut—*Arachis hypogaea* L.
 Pea, field—*Pisum sativum* var. *arvense* (L.) Polr.
 Rape:
 Annual—*Brassica napus* var. *annua* Koch.
 Bird—*Brassica campestris* L.
 Turnip—*Brassica campestris* var. *L.*
 Winter—*Brassica napus* var. *biennis* (Schubl. and Mart.) Reichenb.
 Redtop—*Agrostis alba* L.
 Rescue grass—*Bromus catharticus* Vahl.
 Rhodes grass—*Chloris gayana* Kunth.
 Rice—*Oryza sativa* L.
 Ricegrass, Indian—*Oryzopsis hymenoides* (Roem. and Schult.) Ricker.
 Rough pea—*Lathyrus hirsutus* L.
 Rye—*Secale cereale* L.
 Ryegrass:
 Italian—*Lolium multiflorum* Lam.
 Perennial—*Lolium perenne* L.
 Sainfoin—*Onobrychis viciifolia* Scop.
 Sesbania—*Sesbania exaltata* (Raf.) Torr.
 Smilo—*Oryzopsis miliacea* (L.) Benth. and Hook.
 Sorghum—*Sorghum vulgare* Pers.
 Soybean—*Glycine max* (L.) Merrill [Soja Max (L.) Piper].
 Sudan grass—*Sorghum vulgare* var. *sudanense* (Piper) Hitchc.
 Sunflower (cultivated)—*Helianthus annuus* L.
 Sweet vernalgrass—*Anthoxanthum odoratum* L.
 Switch grass—*Panicum virgatum* L.
 Timothy—*Phleum pratense* L.

Trefoil, big—*Lotus uliginosus* Schkuhr.
 Trefoil, birdsfoot—*Lotus corniculatus* L.
 Vasey grass—*Paspalum urvillei* Steud.
 Velvet grass—*Holcus lanatus* L.

Vetch:

Common—*Vicia sativa* L.
 Hairy—*Vicia villosa* Roth.
 Hungarian—*Vicia pannonica* Crantz.
 Monantha—*Vicia articulata* Hornem. (V. Monantha Desf.).
 Narrowleaf—*Vicia angustifolia* (L.) Reich.
 Purple—*Vicia atropurpurea* Desf.
 Woollypod—*Vicia dasycarpa* Ten.
 Wheat, spelt; emmer—*Triticum* spp.
 Wheatgrass:
 Crested—*Agropyron cristatum* (L.) Beauv.
 Slender—*Agropyron pauciflorum* (Schwein.) Hitchc. (*A. trachycaulum* Steud.).
 Western (Bluestem)—*Agropyron smithii* Rydb.
 Wild-rye, Canada—*Elymus canadensis* L.

(i) *Vegetable seeds.* The term "vegetable seeds" means the seeds of the following crops that are or may be grown in gardens or on truck farms and are or may be generally known and sold under the name of vegetable seeds:

Artichoke—*Cynara scolymus* L.
 Asparagus—*Asparagus officinalis* L.
 Beans:
 Asparagus—*Vigna sesquipedalis* (L.) Frutwirth.
 Garden—*Phaseolus vulgaris* L.
 Horse or broad—*Vicia faba* L.
 Lima—*Phaseolus lunatus* var. *macrocarpus* Van Eseltine.
 Runner—*Phaseolus coccineus* L.
 Beets—*Beta vulgaris* L.
 Broccoli—*Brassica oleracea* var. *botrytis* L.
 Brussels sprouts—*Brassica oleracea* var. *gemmifera* Zenker.
 Cabbage—*Brassica oleracea* var. *capitata* L.
 Cardoon—*Cynara cardunculus* L.
 Carrot (cultivated)—*Daucus carota* L.
 Cauliflower—*Brassica oleracea* var. *botrytis* L.
 Celery—*Apium graveolens* var. *rapaceum* DC.
 Celery—*Apium graveolens* var. *duice* (Mill.) Pers.
 Chicory—*Cichorium intybus* L.
 Citron (Melon)—*Citrullus vulgaris* Schrad.
 Collards—*Brassica oleracea* var. *acephala* DC.
 Corn, sweet—*Zea mays* L.
 Cornsalad—(Fetticus)—*Valerianella locusta* var. *olitoria* Pall.
 Cowpea—*Vigna sinensis* (Torner) Savi.
 Cress:
 Garden—*Lepidium sativum* L.
 Water—*Rorippa nasturtium-aquaticum* (L.) Britt. and Rendle.
 Cucumber—*Cucumis sativus* L.
 Dandelion—*Taraxacum officinale* Weber.
 Eggplant—*Solanum melongena* var. *esculentum* Nees.
 Endive—*Cichorium endivia* L.
 Kale—*Brassica oleracea* var. *acephala* DC.
 Kohlrabi—*Brassica oleracea* var. *gongylodes* L.
 Leek—*Allium porrum* L.
 Lettuce—*Lactuca sativa* L.
 Muskmelon—*Cucumis melo* L.
 Mustard:
 (Cultivated)—*Brassica juncea* (L.) Coss.
 Spinach—*Brassica perversa* Bailey.
 Vegetable—*Brassica* spp.
 Okra—*Hibiscus esculentus* L.
 Onion—*Allium cepa* L.
 Pak-choi—*Brassica chinensis* L.
 Parsley—*Petroselinum hortense* Hoffm.
 Parsnip (cultivated)—*Pastinaca sativa* L.
 Peas, garden—*Pisum sativum* L.
 Pepper—*Capiscum* spp.
 Pe-leaf or Chinese cabbage—*Brassica pekinensis* (Lour.) Rupr.
 Pumpkin—*Cucurbita pepo* L.
 Radish—*Raphanus sativus* L.
 Rhubarb—*Rheum raphaniticum* L.
 Rutabaga—*Brassica napus* var. *napobrassica* (L.) Reichenb.
 Salsify—*Tragopogon porrifolius* L.

RULES AND REGULATIONS

Sorrel (cultivated)—*Rumex acetosa* L.
Soybean—*Glycine max* (L.) Merrill [(*Soja max* (L.) Piper)].
Spinach—*Spinacia oleracea* L.
Spinach—New Zealand—*Tetragonia expansa* Thunb.
Squash—*Cucurbita Moschata* Duchesne and C. *Maxima* Duchesne.
Swiss chard—*Beta vulgaris* var. *cicla* L.
Tomato—*Lycopersicon esculentum* Mill.
Tomato, Husk—*Physalis pubescens* L.
Turnip—*Brassica rapa* L.
Watermelon—*Citrullus vulgaris* Schrad.

2. Section 201.4 is amended by inserting between the second and the third sentences the following sentence: "Each sample retained shall be at least the weight required for a noxious-weed seed examination as set forth in § 201.46."

3. Section 201.31 is amended to read as follows:

§ 201.31 *Germination standards for vegetable seeds in interstate commerce.* The following germination standards for vegetable seeds in interstate commerce, which shall be construed to include hard seed, are determined and established under section 403 (c) of the act:

| | Percent |
|--|---------|
| Artichoke | 60 |
| Asparagus | 70 |
| Beans, asparagus | 75 |
| Beans, garden (varieties other than Rival, Topcrop, and Logan) | 75 |
| Beans, garden (varieties Rival, Topcrop, and Logan) | 70 |
| Beans, horse or broad | 75 |
| Beans, lima | 70 |
| Beans, runner | 75 |
| Beets | 65 |
| Broccoli | 75 |
| Brussels sprouts | 70 |
| Cabbage | 75 |
| Cardoon | 60 |
| Carrot | 55 |
| Cauliflower | 75 |
| Celery and celeriac | 55 |
| Chicory | 65 |
| Citron | 65 |
| Collards | 80 |
| Corn | 75 |
| Corn salad (Fetticus) | 70 |
| Cowpea | 75 |
| Cress, garden | 60 |
| Cress, water | 40 |
| Cucumber | 80 |
| Dandelion | 45 |
| Eggplant | 60 |
| Endive | 70 |
| Kale | 75 |
| Kohlrabi | 75 |
| Leek | 60 |
| Lettuce | 80 |
| Musk melon | 75 |
| Mustard | 75 |
| Mustard, spinach | 75 |
| Mustard, vegetable | 75 |
| Okra | 50 |
| Onion | 70 |
| Pak-choi | 75 |
| Parsley | 60 |
| Parasip | 60 |
| Peas | 80 |
| Pepper | 55 |
| Pe-tsai or Chinese cabbage | 75 |
| Pumpkin | 75 |
| Radish | 75 |
| Rhubarb | 60 |
| Rutabaga | 75 |
| Salsify | 75 |
| Sorrel | 60 |
| Soybean | 75 |
| Spinach (except New Zealand) | 60 |
| Spinach, New Zealand | 40 |
| Squash | 75 |
| Swiss chard | 65 |

| | Percent |
|--------------|---------|
| Tomato | 75 |
| Tomato, husk | 50 |
| Turnip | 80 |
| Watermelon | 70 |

4. New headings and sections are inserted following § 201.36 to read as follows:

MODIFYING STATEMENTS

§ 201.36a *Disclaimers and nonwarranties.* A disclaimer, nonwarranty, or limited warranty used in any invoice or other labeling, or advertisement shall not directly or indirectly deny or modify any information required by the act or the regulations in this part.

ADVERTISING

§ 201.36b *Name of kind, variety, and type.* The representation of the name of a kind, variety, or type of seed in any advertisement subject to the act shall be confined to the recognized name of the kind, variety, or type. It shall not include names or terms that create a misleading impression as to the history or quality of the seed.

5. Section 201.37 is amended to read as follows:

§ 201.37 *Authorization.* When authorized by the Administrator of the Production and Marketing Administration, or by such other person as may be designated for the purpose, Federal employees and qualified State officials, for the purposes of the act, may draw samples of, secure information and inspect records pertaining to, and otherwise inspect seeds and screenings subject to the act.

6. Section 201.43 is amended by changing the introductory clause to read as follows:

§ 201.43 *Size of sample.* The following are minimum sizes of samples of agricultural seed, vegetable seed and screenings to be submitted for analysis, test, or examination:

and by adding an additional paragraph to read as follows:

(f) Vegetable seed samples shall consist of at least 400 seeds.

7. In § 201.46 Table 1 is amended to read as follows:

TABLE 1—WEIGHT OF WORKING SAMPLE

| Name of seed | Minimum weight for pu- rity analysis | Minimum weight for tox- ic seed examination | Approximate number seeds per gram |
|--|---|--|--------------------------------------|
| <i>Agricultural seed</i> | | | |
| Alfalfa— <i>Medicago sativa</i> | Gm 5 | Gm 50 | No. 500 |
| Alfalfa— <i>Erodium cicutarium</i> | 5 | 50 | 441 |
| Bahia grass— <i>Paspalum notatum</i> | 10 | 50 | 366 |
| Barley— <i>Hordeum vulgare</i> | 100 | 500 | 30 |
| Beans: | | | |
| Adzuki— <i>Phaseolus angularis</i> | 500 | 500 | 11 |
| Field— <i>Phaseolus vulgaris</i> | 500 | 500 | 4 |
| Mung— <i>Phaseolus aureus</i> | 100 | 500 | 24 |
| Velvet— <i>Stizolobium deeringianum</i> | 500 | 500 | 2 |
| Beet, field (Mangel)— <i>Beta vulgaris</i> | 50 | 300 | 54 |
| Beggarweed— <i>Desmodium illinoense</i> | 5 | 50 | 442 |

TABLE 1—WEIGHT OF WORKING SAMPLE—Con.

| Name of seed | Minimum weight for pur- ity analysis | Minimum weight for nos- tious-weed seed examination | Approximate number of seeds per gram |
|---|---|--|---|
| Agricultural seed—Continued | | | |
| Bentgrass: | Gm | Gm | No. |
| Astoria— <i>Agrostis tenuis</i> | 1 | 25 | 12,048 |
| Colonial— <i>Agrostis tenuis</i> | 1 | 25 | 19,231 |
| Creeping— <i>Agrostis palustris</i> | 1 | 25 | 17,196 |
| Highland— <i>Agrostis tenuis</i> | 1 | 25 | 20,000 |
| Velvet— <i>Agrostis canina</i> | 1 | 25 | 23,810 |
| Bermuda grass— <i>Cynodon dactylon</i> | 1 | 25 | 3,940 |
| Bluegrass: | | | |
| Annual— <i>Poa annua</i> | 1 | 25 | 2,636 |
| Bulbous— <i>Poa bulbosa</i> | 2 | 50 | 1,500 |
| Canada— <i>Poa compressa</i> | 1 | 25 | 5,500 |
| Kentucky— <i>Poa pratensis</i> | 1 | 25 | 4,800 |
| Nevada— <i>Poa nevadensis</i> | 1 | 25 | 2,304 |
| Rough— <i>Poa trivialis</i> | 1 | 25 | 5,600 |
| Texas— <i>Poa arachnifera</i> | 1 | 25 | 2,500 |
| Wood— <i>Poa nemoralis</i> | 1 | 25 | 7,097 |
| Bluestem: | | | |
| Big— <i>Andropogon furcatus</i> L. | 10 | 50 | 336 |
| Little— <i>Andropogon scoparius</i> L. | 5 | 50 | 590 |
| Sand— <i>Andropogon hallii</i> L. | 10 | 50 | 233 |
| Brome: | | | |
| Mountain— <i>Bromus marginatus</i> | 25 | 150 | 141 |
| Smooth— <i>Bromus inermis</i> | 5 | 50 | 300 |
| Broomcorn— <i>Sorghum vulgare</i> var. technicum | 50 | 300 | 60 |
| Buckwheat— <i>Fagopyrum esculentum</i> | 50 | 300 | 45 |
| Buffalo grass— <i>Buchloe dactyloides</i> L. (Burs) | 50 | 300 | 110 |
| (Caryopses) | 2 | 50 | 738 |
| Canary grass— <i>Phalaris canariensis</i> | 25 | 150 | 150 |
| Canary grass, Reed— <i>Phalaris arundi- nacea</i> | 2 | 50 | 1,200 |
| Carpet grass— <i>Axonopus affinis</i> | 1 | 25 | 2,475 |
| Chickpea— <i>Cicer arietinum</i> | 500 | 500 | 2 |
| Clovers: | | | |
| Alsike— <i>Trifolium hybridum</i> | 2 | 50 | 1,500 |
| Alyce— <i>Alysicarpus vaginalis</i> | 5 | 50 | 664 |
| Berseem— <i>Trifolium alexandrinum</i> | 5 | 50 | 456 |
| Bur— <i>Medicago hispida</i> (in bur) | 50 | 300 | |
| Bur— <i>Medicago hispida</i> (out of bur) | 10 | 50 | 375 |
| Bur, spotted— <i>Medicago arabica</i> (in bur) | 50 | 300 | 49 |
| Bur, spotted— <i>Medicago arabica</i> (out of bur) | 10 | 50 | 550 |
| Cluster— <i>Trifolium glomeratum</i> | 1 | 25 | 2,924 |
| Crimson— <i>Trifolium incarnatum</i> | 10 | 50 | 330 |
| Ladino— <i>Trifolium repens</i> | 2 | 50 | 1,937 |
| Lapps— <i>Trifolium lappaceum</i> | 2 | 50 | 1,500 |
| Large hop— <i>Trifolium procumbens</i> | 1 | 25 | 5,434 |
| Persian— <i>Trifolium resupinatum</i> | 2 | 50 | 1,416 |
| Red— <i>Trifolium pratense</i> | 5 | 50 | 600 |
| Sour— <i>Melilotus indica</i> | 5 | 50 | 662 |
| Strawberry— <i>Trifolium fragiferum</i> | 5 | 50 | 635 |
| Sub- <i>Trifolium subterraneum</i> | 25 | 150 | 119 |
| Suckling (small hop)— <i>Trifolium dubium</i> | 2 | 50 | 1,948 |
| Sweet: | | | |
| White— <i>Melilotus alba</i> | 5 | 50 | 570 |
| Yellow— <i>Melilotus officinalis</i> | 5 | 50 | 570 |
| White— <i>Trifolium repens</i> | 2 | 50 | 1,500 |
| Corn: | | | |
| Field— <i>Zea mays</i> | 500 | 500 | 3 |
| Pop— <i>Zea mays</i> var. <i>evecta</i> | 500 | 500 | |
| Cotton— <i>Gossypium</i> spp. | 500 | 500 | 8 |
| Cowpea— <i>Vigna sinensis</i> | 500 | 500 | 8 |
| Crested dogtail— <i>Cynosurus cristatus</i> | 2 | 50 | 1,500 |
| Crotalaria— <i>Crotalaria spectabilis</i> | 25 | 150 | 80 |
| Crotalaria intermedia | 10 | 50 | 207 |
| Crotalaria juncea | 100 | 500 | 36 |
| Crotalaria lanceolata | 10 | 50 | 375 |
| Crotalaria striata | 10 | 50 | 215 |
| Dallis grass— <i>Paspalum dilatatum</i> | 2 | 50 | 592 |
| Dropseed, sand— <i>Sporobolus cryptan- drus</i> | 14 | 25 | 11,927 |
| Fescue: | | | |
| Chewings— <i>Festuca rubra</i> var. <i>com- mutata</i> | 2 | 50 | 1,200 |
| Hair— <i>Festuca capillata</i> | 1 | 25 | 3,200 |
| Meadow— <i>Festuca elatior</i> | 5 | 50 | 500 |
| Red— <i>Festuca rubra</i> | 2 | 50 | 1,200 |
| Sheep— <i>Festuca ovina</i> | 2 | 50 | |
| Tall— <i>Festuca arundinacea</i> | 5 | 50 | 500 |
| Flax— <i>Linum usitatissimum</i> | 10 | 50 | 178 |
| Gramma, blue— <i>Bouteloua gracilis</i> L. (Caryopses) | 2 | 50 | 1,977 |
| Gramma, side-oats— <i>Bouteloua curti- pendula</i> (other than caryopses) | 5 | 50 | 422 |
| Guinea grass— <i>Panicum maximum</i> | 2 | 50 | 1,407 |
| Harding grass— <i>Phalaris tuberosa</i> var. <i>stenoptera</i> | 5 | 50 | 750 |
| Hemp— <i>Cannabis sativa</i> | 50 | 300 | 46 |

See footnotes at end of table.

TABLE 1—WEIGHT OF WORKING SAMPLE—Con.

| Name of seed | Minimum weight for purity analysis | Minimum weight for noxious-weed seed examination | Approximate number of seeds per gram |
|--|------------------------------------|--|--------------------------------------|
| Agricultural seed—Continued | | | |
| Indian grass, yellow— <i>Sorghastrum nutans</i> ¹ | 10 | 50 | 364 |
| Japanese lawn grass— <i>Zoysia japonica</i> | 2 | 50 | 3,012 |
| Johnson grass— <i>Sorghum halepense</i> | 10 | 50 | 290 |
| Kudzu— <i>Pueraria thunbergiana</i> | 25 | 150 | 81 |
| Lespedeza: | | | |
| Common and Kobe— <i>Lespedeza striata</i> | 5 | 50 | 750 |
| Korean— <i>Lespedeza stipulacea</i> | 5 | 50 | 525 |
| Sericea or Chinese— <i>Lespedeza cusnata</i> (L. <i>Sericea</i>) | 5 | 50 | 820 |
| Siberian— <i>Lespedeza hedyosaroides</i> | 5 | 50 | 820 |
| Lovegrass, weeping— <i>Eragrostis curvula</i> | 1 | 25 | 3,282 |
| Lupine: | | | |
| Blue— <i>Lupinus angustifolius</i> | 500 | 500 | 7 |
| White— <i>Lupinus albus</i> | 500 | 500 | 7 |
| Yellow— <i>Lupinus luteus</i> | 500 | 500 | 9 |
| Manila grass— <i>Zoysia matrella</i> | 2 | 50 | — |
| Meadow foxtail— <i>Alopecurus pratensis</i> | 2 | 50 | 1,200 |
| Medick, black— <i>Medicago lupulina</i> | 5 | 50 | 588 |
| Millet: | | | |
| Browntop— <i>Panicum fasciculatum</i> | 10 | 50 | 303 |
| Foxtail—Such as common, German, Hungarian, Siberian, or Golden— <i>Setaria italica</i> | 5 | 50 | 470 |
| Japanese— <i>Echinochloa crusgalli</i> var. <i>frumentacea</i> | 10 | 50 | 320 |
| Pearl— <i>Pennisetum glaucum</i> | 25 | 150 | 194 |
| Proso— <i>Panicum miliaceum</i> | 25 | 150 | 180 |
| Melasses grass— <i>Melinis minutiflora</i> | 1 | 25 | 15,000 |
| Mustard: | | | |
| Black— <i>Brassica nigra</i> | 5 | 50 | 1,255 |
| White— <i>Brassica hirta</i> | 25 | 150 | 162 |
| Napier grass— <i>Pennisetum purpureum</i> | 5 | 50 | — |
| Oats— <i>Avena</i> spp. | 100 | 500 | 28 |
| Oatgrass, tall— <i>Arrhenatherum elatius</i> | 10 | 50 | 330 |
| Orchard grass— <i>Dactylis glomerata</i> | 2 | 50 | 1,441 |
| Panic grass, blue— <i>Panicum antidotale</i> | 2 | 50 | 1,448 |
| Peanut— <i>Arachis hypogaea</i> | 500 | 500 | 1-3 |
| Peas, field— <i>Pisum sativum</i> var. <i>arvense</i> | 500 | 500 | 4 |
| Rape: | | | |
| Annual— <i>Brassica napus</i> var. <i>annua</i> | 10 | 50 | 346 |
| Bird— <i>Brassica campestris</i> | 10 | 50 | 425 |
| Turnip— <i>Brassica campestris</i> var. <i>capitata</i> | 10 | 50 | 536 |
| Winter— <i>Brassica napus</i> var. <i>bienertia</i> | 10 | 50 | 230 |
| Red top— <i>Agrostis alba</i> | 15 | 25 | 11,000 |
| Rescue grass— <i>Bromus catharticus</i> | 25 | 150 | 144 |
| Rhodes grass— <i>Chloris gayana</i> | 1 | 25 | 4,724 |
| Rice— <i>Oryza sativa</i> | 100 | 500 | 66 |
| Ricegrass, Indian— <i>Oryzopsis hymenoides</i> | 10 | 50 | 308 |
| Rough pea— <i>Lathyrus hirsutus</i> | 100 | 500 | 39 |
| Rye— <i>Secale cereale</i> | 100 | 500 | 40 |
| Ryegrass: | | | |
| Italian— <i>Lolium multiflorum</i> | 5 | 50 | 800 |
| Perennial— <i>Lolium perenne</i> | 5 | 50 | 800 |
| Sainfoin— <i>Onobrychis viciifolia</i> | 50 | 300 | 50 |
| Sesbania— <i>Sesbania exaltata</i> | 25 | 150 | 105 |
| Smilo— <i>Oryzopsis miliacea</i> | 2 | 50 | 2,008 |
| Sorghum: | | | |
| Grain and Sweet (sorgo)— <i>Sorghum</i> | 50 | 300 | 50-55 |
| Soybean— <i>Glycine max</i> | 500 | 500 | 6-13 |
| Sudan grass— <i>Sorghum vulgare</i> var. <i>sudanense</i> | 25 | 150 | 120 |
| Sunflower (Cult.)— <i>Helianthus annuus</i> | 100 | 500 | — |
| Sweet vernalgrass— <i>Anthoxanthum odoratum</i> | 2 | 50 | 1,600 |
| Switch grass— <i>Panicum virgatum</i> | 5 | 50 | 814 |
| Timothy— <i>Phleum pratense</i> | 2 | 50 | 2,500 |
| Trifol, big— <i>Lotus uliginosus</i> | 2 | 50 | 1,944 |
| Trifol, birdsfoot— <i>Lotus corniculatus</i> | 2 | 50 | 814 |
| Vasey grass— <i>Paspalum urvillei</i> | 2 | 50 | 670 |
| Velvetgrass— <i>Holcus lanatus</i> | 1 | 25 | 3,339 |
| Vetch: | | | |
| Common— <i>Vicia sativa</i> | 100 | 500 | 19 |
| Hairy— <i>Vicia villosa</i> | 100 | 500 | 36 |
| Hungarian— <i>Vicia panonica</i> | 100 | 500 | 24 |
| Monantha— <i>Vicia articulata</i> (V. <i>monantha</i>) | 100 | 500 | — |
| Narrowleaf— <i>Vicia angustifolia</i> | 50 | 300 | 60 |
| Purple— <i>Vicia atropurpurea</i> | 100 | 500 | 22 |
| Woollypod— <i>Vicia dasycarpa</i> | 100 | 500 | 25 |

See footnotes at end of table.

TABLE 1—WEIGHT OF WORKING SAMPLE—Con.

| Name of seed | Minimum weight for purity analysis | Minimum weight for noxious-weed seed examination | Approximate number of seeds per gram |
|--|------------------------------------|--|--------------------------------------|
| Agricultural seed—Continued | | | |
| Wheat: Common, spelt, emmer, durum— <i>Triticum</i> spp. | 100 | 500 | 25 |
| Wheatgrass: | | | |
| Crested, fairway— <i>Agropyron cristatum</i> | 5 | 50 | 714 |
| Crested, standard— <i>Agropyron cristatum</i> | 10 | 50 | 425 |
| Slender— <i>Agropyron pauciflorum</i> | 10 | 50 | 840 |
| Western (Bluestem)— <i>Agropyron smithii</i> | 10 | 50 | 235 |
| Wild-rye, Canada— <i>Elymus canadensis</i> | 10 | 50 | 261 |
| Vegetable seed | | | |
| Artichoke— <i>Cynara scolymus</i> | 100 | 500 | 24 |
| Asparagus— <i>Asparagus officinalis</i> | 100 | 500 | 25 |
| Beans: | | | |
| Asparagus— <i>Vigna sesquipedalis</i> | 100 | 500 | 8 |
| Garden— <i>Phaseolus vulgaris</i> | 500 | 500 | 4 |
| Horse or broad— <i>Vicia faba</i> | 500 | 500 | — |
| Lima— <i>Phaseolus lunatus</i> var. <i>macrocarpus</i> | 500 | 500 | 2 |
| Runner— <i>Phaseolus coccineus</i> | 500 | 500 | 1 |
| Beet— <i>Beta vulgaris</i> | 50 | 300 | 58 |
| Broccoli— <i>Brassica oleracea</i> var. <i>botrytis</i> | 10 | 50 | 315 |
| Brussels sprouts— <i>Brassica oleracea</i> var. <i>gemmifera</i> | 10 | 50 | 315 |
| Cabbage— <i>Brassica oleracea</i> var. <i>capitata</i> | 10 | 50 | 315 |
| Cardoon— <i>Cynara cardunculus</i> | 100 | 500 | — |
| Carrot— <i>Daucus carota</i> | 5 | 50 | 820 |
| Cauliflower— <i>Brassica oleracea</i> var. <i>botrytis</i> | 10 | 50 | 315 |
| Celery— <i>Apium graveolens</i> var. <i>rapaceum</i> | 1 | 25 | 2,321 |
| Celery— <i>Apium graveolens</i> var. <i>dulce</i> | 1 | 25 | 2,321 |
| Chicory— <i>Cichorium intybus</i> | 5 | 50 | 940 |
| Citrus— <i>Citrus vulgaris</i> | 500 | 500 | 11 |
| Collards— <i>Brassica oleracea</i> var. <i>acephala</i> | 10 | 50 | 315 |
| Corn, sweet— <i>Zea mays</i> | 500 | 500 | — |
| Cornsalad—(Fetticus)— <i>Valerianella locusta</i> var. <i>olitoria</i> | 10 | 50 | 380 |
| Cowpea— <i>Vigna sinensis</i> | 500 | 500 | 8 |
| Cress: | | | |
| Garden— <i>Lepidium sativum</i> | 5 | 50 | 424 |
| Water— <i>Rorippa nasturtium-aquaticum</i> | 1 | 25 | 3,172 |
| Cucumber— <i>Cucumis sativus</i> | 100 | 500 | 38 |
| Dandelion— <i>Taraxacum officinale</i> | 2 | 50 | 1,240 |
| Eggplant— <i>Solanum melongena</i> var. <i>esculentum</i> | 10 | 50 | 228 |
| Endive— <i>Cichorium endivia</i> | 5 | 50 | 940 |
| Kale— <i>Brassica oleracea</i> var. <i>acephala</i> | 10 | 50 | 315 |
| Kohlrabi— <i>Brassica oleracea</i> var. <i>gongylodes</i> | 10 | 50 | 315 |
| Leek— <i>Allium porrum</i> | 10 | 50 | 396 |
| Lettuce— <i>Lactuca sativa</i> | 5 | 50 | 888 |
| Muskmelon— <i>Cucumis melo</i> | 100 | 500 | 45 |
| Mustard: | | | |
| India— <i>Brassica juncea</i> | 5 | 50 | 624 |
| Spinach— <i>Brassica perviridis</i> | 5 | 50 | 560 |
| Okra— <i>Hibiscus esculentus</i> | 100 | 500 | 19 |
| Onion— <i>Allium cepa</i> | 5 | 50 | 341 |
| Pak-choi— <i>Brassica chinensis</i> | 5 | 50 | 633 |
| Parley— <i>Petroselinum hortense</i> | 5 | 50 | 648 |
| Parasit— <i>Pastinaca sativa</i> | 10 | 50 | 429 |
| Peas, garden— <i>Pisum sativum</i> | 500 | 500 | 167 |
| Pepper— <i>Capiscum</i> spp. | 25 | 150 | 107 |
| Po-tai (Chinese cabbage)— <i>Brassica pekinensis</i> | 5 | 50 | 633 |
| Pumpkin— <i>Cucurbita pepo</i> | 500 | 500 | 4 |
| Radish— <i>Raphanus sativus</i> | 50 | 300 | 75 |
| Rhubarb— <i>Rheum raphaniticum</i> | 50 | 300 | 60 |
| Rutabaga— <i>Brassica napus</i> var. <i>napobrassica</i> | 10 | 50 | 428 |
| Salsify— <i>Tragopogon porrifolius</i> | 50 | 300 | 66 |
| Sorrel— <i>Rumex acetosa</i> | 2 | 50 | 1,079 |
| Soybean (vegetable)— <i>Glycine max</i> | 500 | 500 | 6-13 |
| Spinach: | | | |
| Common— <i>Spinacia oleracea</i> | 25 | 150 | 100 |
| New Zealand— <i>Tetragonia expansa</i> | 100 | 500 | 13 |
| Squash— <i>Cucurbita moshata</i> and <i>C. maxima</i> | 500 | 500 | 14 |
| Swiss chard— <i>Beta vulgaris</i> var. <i>cicla</i> | 50 | 300 | 58 |
| Tomato: | | | |
| Common— <i>Lycopersicon esculentum</i> | 5 | 50 | 405 |
| Husk— <i>Physalis pubescens</i> | 2 | 50 | 1,240 |

TABLE 1—WEIGHT OF WORKING SAMPLE—Con.

| Name of seed | Minimum weight for purity analysis | Minimum weight for noxious-weed seed examination | Approximate number of seeds per gram |
|---|------------------------------------|--|--------------------------------------|
| Vegetable seed—Continued | | | |
| Turnip— <i>Brassica rapa</i> | Gm 10 | Gm 50 | No. 5 |
| Watermelon— <i>Citrullus vulgaris</i> | 500 | 500 | |

¹ Pure seed unit consists of naked caryopsis, spikelet or floret with at least 1 caryopsis.

² Pure seed unit consists of bur, floret or caryopsis.

³ If the purity separation of *Dallis* grass yields less than 400 seeds a duplicate analysis shall be made and the results shall be calculated on the basis of the 4-gram sample.

⁴ Pure seed unit consists of spike, spikelet, floret or caryopsis.

8. Section 201.48 is amended to read as follows:

§ 201.48 *Kind, variety, or type considered pure seed.* The pure seed shall include: (a) All seeds of each kind, variety, or type under consideration present in excess of 5 percent of the whole, whether shriveled, cracked, or otherwise injured, and (b) pieces of such seeds that are larger than one-half of the original size, whether broken, insect-damaged, or diseased: *Provided*, That seeds of legumes and crucifers with the seed coat entirely removed shall be classified as inert matter and not as pure seed.

9. Section 201.49 is amended to read as follows:

§ 201.49 *Other crop seed.* Other crop seed shall include: (a) Seeds of plants grown as crops (other than the kind, variety, or type included in the pure seed) each kind, variety, or type of which is present in a proportion to the whole of 5 percent or less, whether shriveled, cracked, or otherwise injured, and (b) pieces of such seeds larger than one-half of the original size whether broken, insect-damaged, or diseased: *Provided*, That other crop seed shall not include (1) seeds of plants recognized as weeds or (2) seeds of legumes and crucifers with the seed coats entirely removed.

10. Section 201.51 (a) is amended by inserting a comma and the words "tall oatgrass" after the word "bluestems."

11. Section 201.51 (b) (2) is amended by deleting the word "usually."

12. Section 201.51 (c) is amended by adding to the end of the sentence the words "and other material not seed."

13. Section 201.54 is amended to read:

§ 201.54 *Number of seeds for germination.* At least 400 seeds shall be tested for germination except that in mixtures 200 seeds of each of those kinds present to the extent of 15 percent or less may be used in lieu of 400, in which case an additional 2 percent is to be added to the regular germination tolerances. The seeds shall be tested in replicate tests of 100 seeds or less.

RULES AND REGULATIONS

TABLE 2.—METHODS OF TESTING FOR LABORATORY GERMINATION AND HARD SEED—Continued

| Name of seed | Substrate | Temperature | First count | Final count | Remarks |
|---|-------------|-------------|-------------|-------------|--|
| <i>Agriocaulis</i> seed—Con. | | | | | |
| Buffalo grass— <i>Buchloe dactyloides</i> (Burr) | P, T, B, TS | 20-35 | 7 | 28 | Light, KNO ₃ 4, prechill fresh and dormant seed at 5° C. for 6 weeks and germinate 14 additional days. |
| Canary grass— <i>Phalaris canariensis</i> | P | 20-35 | 5 | 14 | Light, KNO ₃ 4 |
| Canary grass, seed— <i>Phalaris arundinacea</i> | P | 20-30 | 5 | 21 | Light, fresh and dormant seed KNO ₃ 4 |
| Carpet grass— <i>Axonopus affinis</i> | P | 20-35 | 10 | 25 | Do. |
| Chickpea— <i>Cicer arvense</i> | R, S | 20-30 | 3 | 7 | |
| Clovers— <i>Trifolium hybridum</i> | B, S | 20 | 3 | 17 | Dormant seed 15° C. The germination temperature should never exceed 20° C. and a temperature of 17° to 18° is most desirable. |
| Alfalfa— <i>Medicago sativa</i> | B | 35 | 4 | 21 | At conclusion of 21-day test period carefully piece seed coat of seedling seeds with needle or scalpel and continue test for 5 days. |
| Barnyard— <i>Trifolium alexandrinum</i> | B, S | 20 | 3 | 17 | Dormant seed 15° C. The germination temperature should never exceed 20° C. and a temperature of 17° to 18° is most desirable. |
| Bur— <i>Medicago hispida</i> | B, T | 20 | 4 | 14 | Remove seeds from bur. |
| Bur, spotted— <i>Medicago arvensis</i> | B, T | 20 | 4 | 14 | Do. |
| Chickpea— <i>Trifolium glomeratum</i> | B | 20 | 4 | 10 | Dormant seed 15° C. The germination temperature should never exceed 20° C. and a temperature of 17° to 18° is most desirable. |
| Crimson— <i>Trifolium incarnatum</i> | B, S | 20 | 4 | 17 | Dormant seed 15° C. The germination temperature should never exceed 20° C. and a temperature of 17° to 18° is most desirable. |
| Lodino— <i>Trifolium repens</i> | B, S | 20 | 3 | 10 | Dormant seed 15° C. The germination temperature should never exceed 20° C. and a temperature of 17° to 18° is most desirable. |
| Lappa— <i>Trifolium hypochaerites</i> | B | 20 | 3 | 17 | Do. |
| Large hop— <i>Trifolium pratense</i> | B | 20 | 4 | 14 | Do. |
| Perennial— <i>Trifolium repens</i> | B | 20 | 3 | 17 | Do. |
| Red— <i>Trifolium pratense</i> | B, S | 20 | 4 | 17 | Dormant seed 15° C. The germination temperature should never exceed 20° C. and a temperature of 17° to 18° is most desirable. |
| Sour— <i>Medicago lupulina</i> | B | 20 | 3 | 14 | Do. |
| Strawberry— <i>Trifolium fragiferum</i> | B | 20 | 3 | 17 | Do. |
| Sub- <i>Trifolium subterraneum</i> | B | 20 | 4 | 14 | Do. |
| Suckling (small hop)— <i>Trifolium dubium</i> | B | 20 | 4 | 14 | Do. |
| Sweet— <i>Medicago alba</i> and <i>M. officinalis</i> | B, S | 20 | 4 | 17 | Photos 2774, 2775, 2776, 2781. |
| White— <i>Trifolium repens</i> | B, S | 20 | 3 | 17 | Dormant seed 15° C. The germination temperature should never exceed 20° C. and a temperature of 17° to 18° is most desirable. |
| Corn— <i>Zea mays</i> | R, S | 20-30 | 4 | 7 | Photos 2510, 2511, 2512, 2514. |
| Pop— <i>Zea mays</i> var. <i>evecta</i> | R, S | 20-30 | 4 | 7 | Roll towel teats in upright position; alternate method; soak seed in a closed container thoroughly wetting the lint. Blot off excess moisture. |
| Cotton— <i>Gossypium</i> spp. | R, S | 20-30 | 4 | 12 | Watch for weevil injury to plumule. |
| Cowpea— <i>Vigna sinensis</i> | R, S | 20-30 | 5 | 18 | Photos 1988, 1990, 2027. |
| Crested dogtail— <i>Cynodactylon cristatum</i> | P | 20-30 | 10 | 21 | Light; fresh and dormant seed prechill for 3 days at 5° or 10° C. |

14. In § 201.58 Table 2 is amended to read as follows:

| Name of seed | Substrate | Temperature | First count | Final count | Remarks |
|---|-----------------|----------------|-------------|-------------|--|
| <i>Agriocaulis</i> seed | | | | | |
| Alfalfa— <i>Medicago sativa</i> | R, S | 20 | 7 | 28 | Photos 2481, 2482. |
| Ailanthus— <i>Erodium cicutarium</i> | P | 20-30 | 5 | 14 | Chill seeds. |
| Bahia grass— <i>Paspalum notatum</i> | P | 20-30 | 5 | 21 | Light; remove all glumes with aid of sharp scalpel; fresh and dormant seed lightly scratch surface of embryo and use KNO ₃ 4. |
| Barley— <i>Hordeum vulgare</i> | T, S | 20 | 4 | 7 | Fresh and dormant seed prechill 5 days at 5° or 10° C. |
| Bean— <i>Adzuki—Phaseolus angularis</i> <i>Fish—Phaseolus vulgaris</i> | R, S R, S | 20-30 20-30 | 4 5 | 10 18 | Watch for abnormality; open the cotyledons if plumule is not visible. Abnormal seedlings indicate those with a terminal bud or growing point of the stem ("whitish") and seedlings with both primary leaves absent even though the terminal bud or growing point is present ("snakeheads"). Such abnormal seedlings are not to be included in determining the percentage of germination. |
| Mung— <i>Phaseolus aurea</i> Velvet— <i>Sisobolium deeringianum</i> | R, S R, C, S | 20-30 20-30 | 3 3 | 17 14 | Photos 1834, 1835, 1846, 1854, 1855. |
| Best, field (Mangle)— <i>Beta vulgaris</i> | B | 20-30 | 3 | 14 | Soak in water 2 hours before testing; using at least 200 cc. water per 100 "seeds"; wash in running water after soaking and blot surface dry. Samples producing darkened radicles should be retained in sand or soil or by washing in running water for 3 hours and testing on 0.3 inch thick "Kimpak" containing 85 cc. water per 9" x 9" square on top of moistened blotter, keeping seed covered with slightly moist bottles. |
| Beggarweed, <i>Demodolium tortuosum</i> | B | 20 | 5 | 18 | |
| Bentgrass— <i>Alopecurus pratensis</i> | P | 20-30 | 7 | 28 | Light, KNO ₃ 4; fresh seed KNO ₃ 4 10-30° C., and approximately 100 foot-candles of light. |
| Broomrape— <i>Agrostis tenuis</i> | P | 20-30 | 7 | 28 | Light, KNO ₃ 4 |
| Creping (seeds)— <i>Agrostis tenuis</i> | P | 20-30 | 7 | 21 | Do. |
| Velvet— <i>Agrostis canina</i> | P | 20-30 | 7 | 21 | Light, KNO ₃ 4 |
| Bermuda grass— <i>Cynodon dactylon</i> | P | 20-30 | 7 | 21 | Light, KNO ₃ 4 |
| Bladder— <i>Agrostis canina</i> | P | 20-30 | 7 | 21 | Light, KNO ₃ 4 |
| Animal— <i>Poa annua</i> | P | 20-30 | 7 | 21 | Light, KNO ₃ 4 |
| Bulbous— <i>Poa bulbosa</i> | P | 20-30 | 7 | 21 | Light, KNO ₃ 4 |
| Cansola— <i>Poa compressa</i> | P | 20-30 | 7 | 21 | Light, KNO ₃ 4 |
| Kentucky— <i>Poa pratensis</i> | P | 20-30 | 7 | 21 | Light, KNO ₃ 4 |
| Norfolk— <i>Poa trivialis</i> | P | 20-30 | 7 | 21 | Light, KNO ₃ 4 |
| Rough— <i>Poa trivialis</i> | P | 20-30 | 7 | 21 | Light, KNO ₃ 4 |
| Texas— <i>Poa trivialis</i> | P | 20-30 | 7 | 21 | Light, KNO ₃ 4 |
| Wood— <i>Poa nemoralis</i> | P | 20-30 | 7 | 21 | Light, KNO ₃ 4 |
| Bladder— <i>Agrostis canina</i> | P | 20-30 | 7 | 21 | Light, KNO ₃ 4 |
| Big— <i>Andropogon furcata</i> | P, TS | 20-30 | 7 | 28 | Light, KNO ₃ 4 |
| Little— <i>Andropogon scoparius</i> | P, TS | 20-30 | 7 | 28 | Light, KNO ₃ 4 |
| Sand— <i>Andropogon hallii</i> | P, TS | 20-30 | 7 | 28 | Light, KNO ₃ 4 |
| Brome— <i>Andropogon furcata</i> | P | 20-30 | 7 | 28 | Light, KNO ₃ 4 |
| Mountain— <i>Bromus maritimus</i> | P | 20-30 | 6 | 14 | Light. |
| Smooth— <i>Bromus inermis</i> | P, TS | 20-30 | 6 | 14 | Do. |
| Broomcorn— <i>Sorghum vulgare</i> var. <i>technicum</i> | B, S | 20-30 | 3 | 10 | |
| Buckwheat— <i>Fagopyrum esculentum</i> | B, T | 20-30 | 3 | 6 | |

See footnotes at end of table.

TABLE 6.—METHODS OF TESTING FOR LABORATORY GERMINATION AND HARD SEED—Continued

| Name of seed | Substrata | Temperature °C. | Days First count | Final count | Remarks |
|---|-----------|--------------------|---------------------|----------------|--|
| <i>Agricultural seed—Con.</i> | | | | | |
| Oatgrass, tall— <i>Arrhenatherum elatius</i> . | P | 20-30 | 6 | 14 | Light. |
| Dreadnought grass— <i>Dactylis glomerata</i> . | P, S | 20-30 | 7 | 21 | Light; germination more rapid on soil. |
| Fairie grass, blue— <i>Panicum capillare</i> . | P, T, S | 20-30 | 7 | 28 | Light. |
| Poa— <i>Anthriscus hypoxylon</i> . | R, S | 20-30 | 5 | 10 | Removes shells. |
| Poa, field— <i>Poa silvestris</i> var. <i>arvensis</i> . | R, S | 20 | 3 | 18 | Photos 2003, 2006, 14543 through 14547. |
| Rape Annual— <i>Brassica napus</i> var. <i>annua</i> . | B | 20-30 | 3 | 7 | Light, fresh and dormant seed KNO ₃ . ¹ |
| Bird— <i>Brassica campestris</i> . | P | 20-30 | 3 | 10 | Light, fresh and dormant seed in soil at 15° C. |
| Turnip— <i>Brassica campestris</i> var. | B | 20-30 | 3 | 7 | Light. |
| Winter— <i>Brassica napus</i> var. <i>borealis</i> . | B | 20-30 | 3 | 7 | Light. |
| Redtop— <i>Alopecurus alba</i> . | T, P | 20-30 | 5 | 10 | Light, fresh and dormant seed in soil at 15° C. |
| Brome grass— <i>Bromus catharticus</i> . | T, S | 20-30 | 7 | 28 | Light. |
| Rhode grass— <i>Chloris gayana</i> . | P | 20-30 | 6 | 14 | Light. |
| Rice— <i>Oryza sativa</i> . | E, T | 20-30 | 5 | 14 | Prechilli fresh and dormant seed at 5° C. for 4 weeks and test for 21 additional days. ¹ |
| Eleocharis, Indian— <i>Oxyopsis hymenodes</i> . | P | 15 | 7 | 42 | Prechilli fresh and dormant seed at 5° or 10° C. for 5 days. ¹ Photos 2402, 2497, 2528 through 2531. |
| Rough pea— <i>Lathyrus hirsutus</i> . | T | 20 | 7 | 14 | KNO ₃ light; for fluorescence test the seed should be germinated on filter paper; fresh and dormant seed KNO ₃ , 48-50° C., 100 foot-candles of light. |
| Eye— <i>Sesule cereale</i> . | T, S | 20 | 4 | 7 | Light; for fluorescence test the seed should be germinated on filter paper. |
| Rye grass—Italian— <i>Lolium multiflorum</i> . | P, T, B | 20-30 | 5 | 14 | Light; fresh and dormant seed prechilli at 5° C. for 2 weeks. ¹ |
| Pernambuco— <i>Lolium perenne</i> . | P, T, B | 20-30 | 5 | 14 | Fresh and dormant seed prechilli at 5° or 10° C. for 5 days. ¹ Photos 2413 through 2416. |
| Sainfoin— <i>Ononis trifoliata</i> . | B | 20-30 | 4 | 14 | Photos 2371, 2372, 2378. |
| Sesbania— <i>Sesbania cannabina</i> . | T | 20-30 | 5 | 7 | Photos 2449 through 2452. |
| Sunflower— <i>Helianthus annuus</i> . | T, B | 20-30 | 3 | 7 | Light. |
| Sorghum Grain and Sweet (sorgo)— <i>Sorghum vulgare</i> . | B, S | 20-30 | 4 | 10 | Light, KNO ₃ , ¹ fresh and dormant seed prechilli at 5° C. for 2 weeks. ¹ |
| Sorrel— <i>Glycine max</i> . | E, S | 20-30 | 5 | 18 | Light, fresh and dormant seed KNO ₃ , Photo 2099. |
| Sudan grass— <i>Sorghum vulgare</i> var. sudanense. | B, S | 20-30 | 4 | 10 | Light; fresh and dormant seed KNO ₃ , Light. |
| Sundewer (Cult.)— <i>Helianthus annuus</i> . | T, B | 20-30 | 3 | 7 | Test questionable samples with stubby roots in soil. Photos 1453 through 1457. |
| Sweet vernalgrass— <i>Anthoxanthum odoratum</i> . | P | 20-30 | 6 | 14 | Light. |
| Switch grass— <i>Panicum virgatum</i> . | P, T, S | 15-30 | 7 | 28 | Light, KNO ₃ , ¹ fresh and dormant seed prechilli at 5° C. for 2 weeks. ¹ |
| Timothy— <i>Phleum pratense</i> . | P, T, B | 20-30 | 5 | 10 | Light, fresh and dormant seed KNO ₃ , Photo 2099. |
| Trefol: | | | | | |
| Bic— <i>Lotus uliginosus</i> . | B | 20 | 3 | 7 | Light; fresh and dormant seed KNO ₃ , Light. |
| Birdfoot— <i>L. corniculatus</i> . | B | 20 | 3 | 7 | Light; fresh and dormant seed KNO ₃ , Light. |
| Vasey grass— <i>Festuca urvillei</i> . | P | 20-35 | 7 | 21 | Test questionable samples with stubby roots in soil. Photos 1453 through 1457. |
| Vetivergrass— <i>Holcus lanatus</i> . | P | 20-30 | 6 | 14 | Light. |
| Vetch: | | | | | |
| Common— <i>Vicia sativa</i> . | T | 20 | 5 | 10 | Light; fresh and dormant seed KNO ₃ , Light. |
| Hairy— <i>Vicia villosa</i> . | T | 20 | 5 | 14 | Light; fresh and dormant seed KNO ₃ , Light. |
| Humbarac— <i>Vicia pennsylvanica</i> . | T | 20 | 5 | 14 | Light; fresh and dormant seed KNO ₃ , Light. |
| Mimosa— <i>Vicia articulata</i> (N. mimosilla). | T | 20 | 5 | 14 | Light; fresh and dormant seed KNO ₃ , Light. |
| Narrow leaf— <i>Vicia angustifolia</i> . | T | 20 | 5 | 14 | Light; fresh and dormant seed KNO ₃ , Light. |
| Purple— <i>Vicia atropurpurea</i> . | T | 20 | 5 | 14 | Light; fresh and dormant seed KNO ₃ , Light. |
| Woolpod— <i>Vicia dasycarpa</i> . | T | 20 | 5 | 14 | Light; fresh and dormant seed KNO ₃ , Light. |
| White: | | | | | |
| Cummee, club, Polish (including spelt, and emmer)— <i>Triticum aestivum</i> . | T, S | 20 | 4 | 7 | Light; fresh and dormant seed KNO ₃ , Light. |
| Durum— <i>Triticum durum</i> . | T, S | 20 | 4 | 10 | Light; fresh and dormant seed KNO ₃ , Light. |

TABLE 2.—METHODS OF TESTING FOR LABORATORY GERMINATION AND HARD SEED—Continued

| Name of seed | Substrate | Temperature | First count | Days | Final count | Remarks |
|---|-----------|-------------|-------------|-----------|-------------|--|
| <i>Agricultural seed—Con.</i> | | | | | | |
| Crotalaria—Crotalaria intermedium, C. juncea, C. baccabolia, C. spectabilis and C. strata | B, S | 20-30 | 4 | Days 4 10 | | Photos 2466, 2497. |
| Dallis grass—Paraphan distichum | P | 20-35 | 7 | 21 | | Light; fresh and dormant seed KNO ₃ .* |
| Drooping sand—Sporobolus eripandrus | P | 15-35 | 5 | 52 | | Light; KNO ₃ dormant seed prechill at 5° C. for 4 to 8 weeks and germinate for 28 days. |
| Fescue—Chewing—Festuca rubra var. communata | P | 15-25 | 7 | 21 | | Alternate method: 20-30° C., light, and test for 28 days. |
| Hair—Festuca capillaris | P | 10-25 | 10 | 28 | | KNO ₃ .* |
| Seedling—Festuca elatior | P | 20-30 | 14 | 14 | | Light. |
| Red—Festuca rubra | P | 15-25 | 7 | 21 | | Alternate method: 20-30° C., light, and test for 28 days. |
| Sheep—Festuca ovina | P | 15-25 | 7 | 21 | | Do |
| Tall—Festuca arvensis | P | 20-30 | 5 | 14 | | Light. |
| Grass—Tall—Festuca arvensis | B, S | 20-30 | 3 | 7 | | Photos 2493, 2498, 2455, 2467. |
| Blind—Routeloma gracilis | P, T, B | 20-30 | 7 | 28 | | Light; fresh and dormant seed KNO ₃ .* |
| Siberian—Routeloma curticaudum | P | 14-30 | 7 | 28 | | Light. KNO ₃ .* |
| Guinea grass—Panicum maximum | P | 20-30 | 10 | 28 | | Light. |
| Harding grass—Phalaris tuberosa var. serotensis | P | 10-30 | 7 | 28 | | Light; fresh and dormant seed KNO ₃ .* |
| Hemp—Cannabis sativa | B | 20-30 | 3 | 7 | | Light. KNO ₃ ; fresh and dormant seed prechill at 5° C. for 2 weeks.* |
| Medusa grass, yellow—Sorghastrum nutans | P, T, S | 20-30 | 10 | 28 | | Light. KNO ₃ .* |
| Japanese lawns—Zoysia japonica | P | 20-35 | 7 | 35 | | Light; fresh and dormant seed KNO ₃ .* |
| Mohawk grass—Sorghum halepense | P | 20-35 | 7 | 35 | | Light; fresh and dormant seed KNO ₃ .* |
| Kudzu—Pueraria thunbergiana | T | 20-30 | 5 | 14 | | |
| Lespedeza—Common (Kobe)—Lespedeza striata | B, S | 20-35 | 7 | 14 | | |
| Korean—Lespedeza stipularia | B | 20-35 | 5 | 14 | | |
| Siberian or Chinese—Lespedeza cuneata (L. sericea) | B, S | 20-35 | 7 | 28 | | Photo 2454. |
| Siberian—Lespedeza belyzoides | B, S | 20-35 | 7 | 21 | | |
| Laurelgrass, weeping—Eragrostis curvula | P | 20-35 | 5 | 14 | | Light; fresh and dormant seed KNO ₃ .* |
| Lupine—Blue—Lupinus angustifolius | B, S | 20 | 4 | 16 | | Photos 14333 through 14342 |
| White—Lupinus albus | B, T | 20 | 2 | 17 | | |
| Yellow—Lupinus luteus | R, T | 20 | 10 | 21 | | Light, KNO ₃ .* |
| Manila grass—Zoysia matrella | P | 20-35 | 7 | 28 | | Light. |
| Meadow foxtail—Alopecurus pratensis | P | 20-30 | 7 | 14 | | |
| Medick, black—Medicago lupulina | B, S | 20 | 4 | 17 | | |
| Millet—Brewer's—Panicum fasciculatum | B | 20-30 | 4 | 14 | | |
| Foxtail—Suaeda at common, German Hungarian, Siberian, or Golden—Suaeda helica | B | 20-30 | 4 | 10 | | |
| Japanese—Echinochloa crus-galli var. trisetacea | B | 20-30 | 3 | 7 | | |
| Foot—Pennisetum glaucum | B | 20-30 | 3 | 7 | | |
| Frost—Pennisetum purpureum | P | 20-30 | 7 | 21 | | Light. |
| Medusa grass—Medusa minimiflora | P | 20-30 | 7 | 21 | | |
| Muscad—Black—Brassica nigra | P | 20-30 | 3 | 7 | | Light; fresh and dormant seed KNO ₃ .* and prechill at 10° C. for 3 days.* |
| White—Brassica hirsuta | P | 20-30 | 3 | 5 | | Light. |
| Navy—grass—Pennisetum purpureum | B | 20-30 | 3 | 10 | | |
| Oats—Avena spp. | T, S | 20 | 5 | 10 | | Fresh and dormant seed prechill for 5 days at 5° or 10° C., and conclude test on seventh day.* Photos 2457, 2458, 2234 through 2235. |

See footnotes at end of table.

TABLE 2.—METHODS OF TESTING FOR LABORATORY GERMINATION AND HARD SEED.—Continued

| Name of seed | Substrate ¹ | Temperature ² | First count ³ | Final count ⁴ | Remarks ⁵ |
|--|------------------------|--------------------------|--------------------------|--------------------------|---|
| Vegetable seed—Con. | | | | | |
| Culinary—Cichorium intybus..... | P, TS | 20-30 | Days 5 | Days 14 | Light, KNO ₃ or soil. If injury to roots is apparent use Whatman's No. 2 filter paper or equivalent as substrate. Photo 2594. |
| Citron—Citrus vulgaris..... | T | 20-30 | 7 | 14 | Soak 6 hours; test dormant seed at 30° C. |
| Collards—Brassica oleracea var. acephala..... | B, P | 20-30 | 3 | 10 | Dormant seed light, KNO ₃ prechill at 5° or 10° C. for 3 days. |
| Corn, sweet—Zea mays..... | B, S | 20-30 | 4 | 7 | Photos 2530, 2531, 2532, 2534. |
| Corn salad—Festuca var. Valerianella boursa var. olitoria..... | B | 20 | 7 | 28 | Fresh and dormant seed 10° or 15° C. |
| Cowpea—Vigna sinensis..... | R, S | 20-30 | 5 | 18 | Watch for weevil injury to plumule. Photos 1880, 1999, 2577. |
| Cress: Garden—Lepidium sativum..... | B, P | 20 | 4 | 10 | Dormant seed 15° C. and light. |
| Water—Rorippa nasturtium aquadulcens..... | P | 20-30 | 4 | 14 | Light. |
| Cucumber—Cucumis sativus..... | T, S, B | 20-30 | 3 | 7 | Keep substrata somewhat drier than they are maintained for the average kind of seed. |
| Dandelion—Taraxacum officinale..... | P, TB | 20-30 | 7 | 21 | Light. If injury to roots is apparent use Whatman's No. 2 filter paper or equivalent as substrate. |
| Elephant—Solanum melongena var. esculentum..... | TB | 20-30 | 7 | 14 | Alternate method: Test between blot- ters with raised covers by folding up edges of bottom to form a good support for top or cover, so top will not make contact with seed. |
| Endive—Cichorium endivia..... | P, TS | 20-30 | 5 | 14 | Light, KNO ₃ or soil; dormant seed sold about 14 inch of tap water at beginning of test; remove the excess water after 24 hours. If injury to roots is apparent use Whatman's No. 2 filter paper or equivalent as substrate. |
| Kale—Brassica oleracea var. acephala..... | B, P | 20-30 | 3 | 10 | Dormant seed light, KNO ₃ prechill at 5° or 10° C. for 3 days. |
| Kohlrabi—Brassica oleracea var. gongylodes..... | B, P | 20-30 | 3 | 10 | Do. |
| Leek—Allium porrum..... | B | 20 | 6 | 14 | Light for at least 15 hours; fresh and dormant seed prechill at 10° or 15° C. for 3 days; watch for sprouts with both spotted cotyledons and stubby radicles. Photos 2417, 2418. |
| Lettuce—Lactuca saliva..... | P | 20 | None | 7 | Keep substrata somewhat drier than they are maintained for the average kind of seed. |
| Muckmelon—Cucumis melo..... | B, T, S | 20-30 | 4 | 10 | Light; fresh and dormant seed KNO ₃ and prechill at 10° C. for 3 days. |
| Mustard: India—Brassica juncea..... | P | 20-30 | 3 | 7 | In sand and soil tests extend final count to 12 days. Photos 1902, 2253, 2254, 2328, 2330, 2340, 2440, 2469. |
| Spinach—Brassica perfoliata..... | B | 20-30 | 3 | 7 | Photos 2422, 2428, 2499, 2500. |
| Okra—Hibiscus esculentus..... | B | 20-30 | 4 | 23 | Alternate method: Test between blot- ters with raised covers by folding up edges of bottom to form a good support for top or cover, so top will not make contact with seed. |
| Onion—Allium cepa..... | B, S | 20 | 6 | 10 | Alternate method: Test between blot- ters with raised covers by folding up edges of bottom to form a good support for top or cover, so top will not make contact with seed. |
| Pak-choi—Brassica chinensis..... | B | 20-30 | 3 | 7 | Photos 2422, 2428, 2499, 2500. |
| Parsley—Petroselinum hortense..... | B | 20-30 | 11 | 28 | Alternate method: Test between blot- ters with raised covers by folding up edges of bottom to form a good support for top or cover, so top will not make contact with seed. |
| Peanut—Arachis sativa..... | B | 20-30 | 6 | 18 | Photos 2422, 2428, 2499, 2500. |
| Peas, garden—Pisum sativum..... | B, S | 20 | 6 | 14 | Alternate method: Test between blot- ters with raised covers by folding up edges of bottom to form a good support for top or cover, so top will not make contact with seed. |
| Pepper—Capsicum spp..... | TB | 20-30 | 6 | 14 | Alternate method: Test between blot- ters with raised covers by folding up edges of bottom to form a good support for top or cover, so top will not make contact with seed. |
| Petal (Chinese cabbage)—Brassica pekinensis..... | B | 20-30 | 3 | 7 | Photos 2422, 2428, 2499, 2500. |
| Pumpkin—Cucurbita pepo..... | T, S | 20-30 | 4 | 7 | Keep substrata somewhat drier than they are maintained for the average kind of seed. |
| Radish—Raphanus sativum..... | B | 20 | 4 | 6 | Classify as abnormal all seedlings with 50% or more of the area of the coty- ledons covered with spots or dark- ened areas. |
| Rhubarb—Rheum raphaniticum..... | TS | 20-30 | 7 | 21 | Light. |
| Rutabaga—Brassica napus var. napobrassica..... | B | 20-30 | 3 | 14 | Light. |

TABLE 2.—METHODS OF TESTING FOR LABORATORY GERMINATION AND HARD SEED.—Continued

| Name of seed | Substrate ¹ | Temperature ² | First count ³ | Final count ⁴ | Remarks ⁵ |
|---|------------------------|--------------------------|--------------------------|--------------------------|---|
| Agricultural seed—Con. | | | | | |
| Wheatgrass: Crested (Fairway and Stand- ard)—Agropyron cristatum..... | P, TB | 20-30 | Days 5 | Days 14 | Light; fresh and dormant seed KNO ₃ at 5° or 10° C. for 7 days. |
| Slender—Agropyron pauciflorum..... | P, TB | 20-30 | 5 | 14 | Light. |
| Western (Bluestem)—Agropyron smithii..... | P | 20-30 | 7 | 35 | Light; fresh and dormant seed KNO ₃ or soil and 15°-30° C. |
| Wild-rye, Canada—Elymus cana- densis..... | P | 15-30 | 7 | 21 | Light; fresh and dormant seed prechill at 5° C. for 2 weeks. |
| Vegetable seed | | | | | |
| Artichoke—Cynara scolymus..... | T | 20-30 | 7 | 21 | Watch for weevil injury to plumule. |
| Asparagus—Asparagus officinalis..... | T | 20-30 | 7 | 21 | Watch for abnormal; open the coty- ledons if plumule is not visible. Ab- normal seedlings in beans include seedlings without a terminal bud or growing point at the stem ("bald- heads") and seedlings with both primary leaves absent even though the terminal bud or growing point is present ("snakeheads"). Such ab- normal seedlings are not to be in- cluded in determining the percentage of germination. Photos 1884, 1885, 1886, 1887, 1888. |
| Asparagus—Vigna sesquipedalis..... | R, S | 20-30 | 5 | 18 | Prechill fresh, dormant seed 3 days at 10° C.; the germination tempera- ture should be maintained at 20° C. and a temperature of 17 to 18° C. is most desirable. |
| Garden—Phaseolus vulgaris..... | R, S | 20-30 | 5 | 18 | Watch for abnormal; open the coty- ledons if plumule is not visible. Ab- normal seedlings in beans include seedlings without a terminal bud or growing point at the stem ("bald- heads") and seedlings with both primary leaves absent even though the terminal bud or growing point is present ("snakeheads"). Such ab- normal seedlings are not to be in- cluded in determining the percentage of germination. Photos 2380, 2400, 2401. |
| House or broad—Vicia faba..... | S, C | 20 | 4 | 14 | Soak in water 2 hours before testing, using at least 250 cc. water per 100 "seeds", wash in running water after soaking and blot surface dry. Samples producing darkened radicles should be retested in sand or soil or by washing in running water for 3 hours and testing on 0.5 inch thick "Kimpak" keeping seed covered with slightly moist blotters. |
| Linum—Phaseolus lunatus var. macrocarpus..... | R, S, C | 20-30 | 5 | 19 | Dormant seed light, KNO ₃ prechill at 5° or 10° C. for 3 days. |
| Runner—Phaseolus coccineus..... | B, S | 20-30 | 5 | 19 | Do. |
| Beet—Beta vulgaris..... | B | 20-30 | 3 | 14 | Do. |
| Broccoli—Brassica oleracea var. botrytis..... | B, P | 20-30 | 3 | 10 | Do. |
| Brussels sprouts—Brassica oleracea var. gemmifera..... | B, P | 20-30 | 3 | 10 | Do. |
| Cabbage—Brassica oleracea var. capitata..... | B, P | 20-30 | 3 | 10 | Do. |
| Carrot—Daucus carota..... | T | 20-30 | 7 | 21 | Do. |
| Cauliflower—Brassica oleracea var. botrytis..... | B | 20-30 | 6 | 28 | Do. |
| Celery—Apium graveolens var. rapaceum..... | B, P | 20-30 | 3 | 10 | Do. |
| Celery—Apium graveolens var. dulce..... | P, TB | 20-30 | 10 | 21 | Light. If injury to roots is apparent use Whatman's No. 2 filter paper or equivalent as substrate. |

See footnotes at end of table.

TABLE 2—METHODS OF TESTING FOR LABORATORY GERMINATION AND HARD SEED—Continued

| Name of seed | Substrate ¹ | Temperature ² | First count ³ | Final count ⁴ | Remarks ⁵ |
|--|------------------------|--------------------------|--------------------------|--------------------------|--|
| Vegetable seed—Con. | | | | | |
| Salsify— <i>Tragopogon portifolius</i> ... | T | *C. 20 | Days 5 | Days 10 | Prechill fresh and dormant seed at 10° C. for 3 days. ⁷ |
| Sorrel— <i>Rumex acetosa</i> ... | TS, P | 20-30 | 3 | 14 | Light. Test dormant seed at 15° C. |
| Soybean (vegetable)— <i>Glycine max.</i> | R, S | 20-30 | 5 | 18 | Photos 2371, 2372, 2378. |
| Spinach: | | | | | |
| Common— <i>Spinacia oleracea</i> ... | TB | 10 | 7 | 21 | Keep substrate somewhat drier than they are maintained for the average kind of seed. |
| New Zealand— <i>Tetragonia expansa</i> . | TS, B | 10-30 | 5 | 28 | Keep substrate somewhat drier than they are maintained for the average kind of seed. Alternate method: Remove pulp and test at 15° C. between blotters. |
| Squash— <i>Cucurbita moschata</i> and <i>C. maxima</i> . | T, S | 20-30 | 4 | 7 | Keep substrate somewhat drier than they are maintained for the average kind of seed. |
| Swiss Chard— <i>Beta vulgaris</i> var. <i>cicla</i> . | B | 20-30 | 3 | 14 | Soak in water 2 hours before testing, using at least 250 cc. water per 100 "seeds"; wash in running water after soaking and blot surface dry. Samples producing darkened radicles should be retested in sand or soil or by washing in running water for 3 hours and testing on 0.3 inch thick "Kimpak," keeping seed covered with slightly moist blotters. |
| Tomato: | | | | | |
| Common— <i>Lycopersicon esculentum</i> . | B | 20-30 | 5 | 14 | Dormant seed light and KNO ₃ . ⁶ Alternate method: test between blotters with raised covers by folding up edges of bottom to form a good support for top or cover, so top will not make contact with seed. Photo 2513. |
| Husk— <i>Physalis pubescens</i> ... | P, TB | 20-30 | 7 | 28 | Light. |
| Turnip— <i>Brassica rapa</i> . | B | 20-30 | 3 | 7 | |
| Watermelon— <i>Citrullus vulgaris</i> . | T, S | 20-30 | 4 | 14 | Keep substrate somewhat drier than they are maintained for the average kind of seed. |

¹ Substrate: B=between blotters; TB=top of blotters; T=between folded paper toweling; R=rolled towels; S=soil or sand; TS=top of soil; P=covered petri dishes with (a) 2 layers of blotters; or (b) 1 layer of absorbent cotton; or (c) 5 layers of paper toweling; or (d) filter paper; or (e) 3/4-inch layer of sand or soil; C=creped cellulose paper wadding (0.3-inch thick Kimpak or equivalent) covered with a single thickness of blotter through which holes are punched for the seed which are pressed for about 1/2 their distance into the creped paper wadding.

² Temperature: A single numeral indicates a constant temperature. Two numerals separated by a dash indicate an alternation of temperature; the test is held at the first temperature for approximately 16 hours and at the second temperature for approximately 8 hours per day. If tests are not subjected to alternating temperatures over week ends and on holidays they are to be held at the lower temperature during such time.

³ The number of days stated for the first count is approximate and a deviation of 1 to 3 days is permitted.

⁴ Photo numbers identify photographs of some types of normal and abnormal seedlings. These photographs may be purchased from Information Branch, PMA, U. S. Department of Agriculture, Washington 25, D. C.

⁵ Hard seeds often present. If at the end of the germination period there are still present swollen seeds or seeds which have just started to germinate all seeds or seedlings except the above-stated shall be removed and the test continued for 5 additional days and the normal seedlings included in the percentage of germination.

⁶ A two-tenths (0.2) percent solution of potassium nitrate (KNO₃) is used in moistening the substratum in all instances except for Canada and Kentucky Bluegrass and is prepared by dissolving 2 grams of KNO₃ in 1,000 cc. of distilled water. A one-tenth (0.1) percent solution is prepared by dissolving 1 gram of KNO₃ in 1,000 cc. of distilled water.

⁷ The prechilling period is not included in the germination period given in this table unless otherwise specified.

15. Section 201.60 is amended by changing the part of this section beginning with "For Poa spp." to read as follows: "An additional tolerance shall be allowed for the following kinds of seeds and mixtures containing any of these kinds of seeds singly or combined in excess of 50 percent. The tolerance is to be obtained by adding to the regular tolerance mentioned above the product obtained by multiplying the regular tolerance by the lesser of 'a' and 'b' divided by 100."

| | |
|-----------------------|----------------------|
| Agrostis spp. | Oatgrass, tall. |
| Andropogon spp. | Orchard grass. |
| Bermuda grass. | Panic grass, blue. |
| Bouteloua spp. | Poa spp. |
| Bromegrass. | Rhodes grass. |
| Buffalo grass. | Ricegrass, Indian. |
| Carpet grass. | Sweet vernalgrass. |
| Dallis grass. | Switch grass. |
| Festuca spp. | Vasey grass. |
| Guinea grass. | Velvet grass. |
| Indian grass, yellow. | Wheatgrass, crested. |
| Meadow foxtail. | Wheatgrass, Western |
| Molasses grass. | Wild-rye, Canada. |

16. Section 201.61 is amended to read as follows:

§ 201.61 *Germination.* The following tolerances are applicable to the per-
No. 82—2

centage of germination and also to the sum of the germination plus the hard seed when 400 or more seeds are tested.

| Pound by test: | Tolerance |
|----------------------------------|-----------|
| 95 or over..... | 5 |
| 90 or over but less than 95..... | 6 |
| 80 or over but less than 90..... | 7 |
| 70 or over but less than 80..... | 8 |
| 60 or over but less than 70..... | 9 |
| Less than 60..... | 10 |

When only 200 seeds of a component in a mixture are tested 2 percent shall be added to the above germination tolerances.

17. Section 201.63 is amended by inserting before the word and number "§ 201.52" the words and number "§ 201.46 and".

18. A new section is added to read as follows:

§ 201.64a *Fluorescence test and 400- to 1,000-seed separations.* The following table of tolerances shall be used for fluorescence tests on ryegrass and 400- to 1,000-seed separations in addition to one-half the regular pure seed tolerance provided for in § 201.60.

| [Tolerance] | | | |
|-------------------------|-----|-----|-------|
| Number of seeds used | 400 | 800 | 1,000 |
| Result of test percent: | | | |
| 100..... | 1.0 | 0.9 | 0.9 |
| 99..... | 1.0 | 1.4 | 1.4 |
| 98..... | 2.0 | 1.8 | 1.8 |
| 97..... | 2.3 | 2.2 | 2.1 |
| 96..... | 2.6 | 2.4 | 2.4 |
| 95..... | 2.9 | 2.7 | 2.6 |
| 94..... | 3.2 | 2.9 | 2.8 |
| 93..... | 3.4 | 3.1 | 3.0 |
| 92..... | 3.6 | 3.3 | 3.2 |
| 91..... | 3.8 | 3.4 | 3.3 |
| 90..... | 4.0 | 3.6 | 3.4 |
| 89..... | 4.1 | 3.7 | 3.6 |
| 88..... | 4.3 | 3.9 | 3.8 |
| 87..... | 4.5 | 3.9 | 3.9 |
| 86..... | 4.7 | 4.1 | 4.0 |
| 85..... | 4.8 | 4.2 | 4.1 |
| 84..... | 4.9 | 4.3 | 4.2 |
| 83..... | 5.0 | 4.4 | 4.3 |
| 82..... | 5.2 | 4.5 | 4.4 |
| 81..... | 5.3 | 4.7 | 4.5 |
| 80..... | 5.4 | 4.7 | 4.6 |
| 79..... | 5.5 | 4.8 | 4.7 |
| 78..... | 5.6 | 4.9 | 4.8 |
| 77..... | 5.7 | 5.0 | 4.8 |
| 76..... | 5.8 | 5.1 | 4.9 |
| 75..... | 5.8 | 5.1 | 5.0 |
| 74..... | 5.9 | 5.2 | 5.1 |
| 73..... | 6.0 | 5.3 | 5.1 |
| 72..... | 6.1 | 5.3 | 5.2 |
| 71..... | 6.2 | 5.4 | 5.2 |
| 70..... | 6.2 | 5.5 | 5.3 |
| 69..... | 6.3 | 5.5 | 5.3 |
| 68..... | 6.3 | 5.6 | 5.4 |
| 67..... | 6.4 | 5.6 | 5.4 |
| 66..... | 6.5 | 5.7 | 5.4 |
| 65..... | 6.5 | 5.7 | 5.5 |
| 64..... | 6.6 | 5.7 | 5.6 |
| 63..... | 6.6 | 5.8 | 5.6 |
| 62..... | 6.7 | 5.8 | 5.6 |
| 61..... | 6.7 | 5.9 | 5.7 |
| 60..... | 6.8 | 5.9 | 5.7 |
| 59..... | 6.8 | 5.9 | 5.7 |
| 58..... | 6.8 | 5.9 | 5.7 |
| 57..... | 6.8 | 5.9 | 5.7 |
| 56..... | 6.8 | 5.9 | 5.7 |
| 55..... | 6.8 | 5.9 | 5.8 |
| 54..... | 6.9 | 6.0 | 5.8 |
| 53..... | 6.9 | 6.0 | 5.8 |
| 52..... | 6.9 | 6.0 | 5.8 |
| 51..... | 6.9 | 6.0 | 5.8 |
| 50..... | 6.9 | 6.0 | 5.8 |
| 49..... | 6.9 | 6.0 | 5.8 |
| 48..... | 6.9 | 6.0 | 5.8 |
| 47..... | 6.9 | 6.0 | 5.8 |
| 46..... | 6.9 | 6.0 | 5.8 |
| 45..... | 6.9 | 6.0 | 5.8 |
| 44..... | 6.9 | 6.0 | 5.8 |
| 43..... | 6.9 | 6.0 | 5.8 |
| 42..... | 6.9 | 6.0 | 5.8 |
| 41..... | 6.9 | 6.0 | 5.8 |
| 40..... | 6.9 | 6.0 | 5.8 |
| 39..... | 6.8 | 5.9 | 5.7 |
| 38..... | 6.8 | 5.9 | 5.7 |
| 37..... | 6.8 | 5.9 | 5.6 |
| 36..... | 6.8 | 5.8 | 5.6 |
| 35..... | 6.7 | 5.8 | 5.6 |
| 34..... | 6.7 | 5.8 | 5.6 |
| 33..... | 6.7 | 5.7 | 5.5 |
| 32..... | 6.6 | 5.7 | 5.4 |
| 31..... | 6.6 | 5.6 | 5.4 |
| 30..... | 6.5 | 5.6 | 5.4 |
| 29..... | 6.5 | 5.6 | 5.3 |
| 28..... | 6.4 | 5.5 | 5.3 |
| 27..... | 6.4 | 5.4 | 5.2 |
| 26..... | 6.3 | 5.4 | 5.2 |
| 25..... | 6.2 | 5.3 | 5.1 |
| 24..... | 6.2 | 5.2 | 5.0 |
| 23..... | 6.1 | 5.2 | 4.9 |
| 22..... | 6.0 | 5.1 | 4.9 |
| 21..... | 5.9 | 5.0 | 4.8 |
| 20..... | 5.8 | 4.9 | 4.8 |
| 19..... | 5.7 | 4.9 | 4.7 |
| 18..... | 5.6 | 4.8 | 4.6 |
| 17..... | 5.5 | 4.7 | 4.4 |
| 16..... | 5.4 | 4.6 | 4.4 |
| 15..... | 5.3 | 4.5 | 4.3 |
| 14..... | 5.2 | 4.3 | 4.2 |
| 13..... | 5.0 | 4.2 | 4.0 |
| 12..... | 4.9 | 4.1 | 3.9 |
| 11..... | 4.7 | 3.9 | 3.8 |
| 10..... | 4.6 | 3.8 | 3.6 |
| 9..... | 4.4 | 3.6 | 3.4 |
| 8..... | 4.2 | 3.5 | 3.3 |
| 7..... | 4.0 | 3.3 | 3.1 |
| 6..... | 3.7 | 3.1 | 2.9 |
| 5..... | 3.5 | 2.9 | 2.7 |
| 4..... | 3.2 | 2.6 | 2.4 |
| 3..... | 2.8 | 2.3 | 2.2 |
| 2..... | 2.4 | 1.9 | 1.8 |
| 1..... | 1.8 | 1.4 | 1.4 |
| 0..... | 1.0 | 0.5 | 0.4 |

19. Section 201.65 is amended by adding the following:

(a) *Ryegrass*. In determining the proportions of perennial and Italian ryegrass, 400 seeds shall be grown on filter paper and the number of fluorescent seedlings determined under ultraviolet light at the end of the germination

period. The percentages of pure ryegrass seed, normal fluorescent seedlings, and normal nonfluorescent seedlings shall be determined and the results shall be subjected to the following formula to calculate the proportion of the two kinds of ryegrass:

$$\text{Percent perennial ryegrass} = \frac{1.0526 \times \text{percent nonfluorescence} \times \text{percent pure ryegrass}}{\text{Percent fluorescence} + \text{percent nonfluorescence}}$$

(b) *Sweetclover*. In determining the percentage of yellow blossom biennial sweetclover in a mixture of yellow and white blossom biennial sweetclover, 5 grams of seed shall be examined to determine the percentage of mottled seed. The percentage of mottled seed shall be multiplied by 4 and the product shall be construed as representing the percentage of yellow blossom.

20. Section 201.102 is amended to read as follows:

§ 201.102 *Pure live seed*. For the purposes of section 304 (c) of the act, the following percentages for the kinds stated will be construed to meet the import requirements of the act as to pure live seed:

| | Percent |
|----------------------------|---------|
| Alfalfa | 50 |
| Artichoke | 65 |
| Bahia grass | 50 |
| Bluegrass, <i>Poa</i> spp. | 65 |
| Bluestem, big | 25 |
| Bluestem, little | 25 |
| Bluestem, sand | 25 |
| Beets | 70 |
| Buffalo grass (burs) | 35 |
| Cardoon | 65 |
| Carrots | 55 |
| Celeriac | 60 |
| Celery | 60 |
| Chicory | 70 |
| Cress, water | 50 |
| Dallis grass | 35 |
| Dandelion | 65 |
| Dropseed, sand | 65 |
| Eggplant | 65 |
| Gramma, blue | 35 |
| Gramma, side oats | 10 |
| Guinea grass | 10 |
| Indian grass, yellow | 50 |
| Japanese lawn grass | 35 |
| Leek | 65 |
| Manila grass | 35 |
| Molasses grass | 25 |
| Okra | 60 |
| Panic grass, blue | 50 |
| Parsley | 65 |
| Parsnip | 65 |
| Pepper | 65 |
| Rhodes grass | 35 |
| Rhubarb | 65 |
| Sorrel | 65 |
| Spinach, New Zealand | 50 |
| Switch grass | 35 |
| Tomato, husk | 60 |
| Vasey grass | 35 |
| Wild rye, Canada | 50 |

21. Section 201.107 is amended by changing the list of agricultural and vegetable seeds to be considered weed seeds when occurring incidentally in importations of other agricultural or vegetable seeds to read as follows:

Barley, wild—*Hordeum* spp., except vulgare L.
Chicory—*Cichorium intybus* L.
Dandelion—*Taraxacum officinale* Weber.
Grass, Bermuda—*Cynodon dactylon* (L.) Pers.
Grass, velvet—*Molcus lanatus* L.
Mustard—*Brassica juncea* (L.) Goss.

Mustard, black—*Brassica nigra* Koch.
Oat, wild—*Avena* spp., except *A. sativa* L. and *A. bysantina* C. Koch.
Rape, annual—*Brassica napus* var. annua Koch.
Rape, bird—*Brassica campestris* L.
Rape, turnip—*Brassica campestris* vars. L.
Sorrel—*Rumex acetosa* L.

(Sec. 402, 53 Stat. 1285; 7 U. S. C. 1592. Interpret or apply secs. 101, 201, 205, 304, 401, 403, 417, 53 Stat. 1275, 1279, 1282, 1284, 1285, 1289; 7 U. S. C. 1561, 1571, 1575, 1584, 1591, 1593, 1607)

Done at Washington, D. C., this 25th day of April 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-3802; Filed, Apr. 27, 1950; 8:46 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

PART 814—ALLOTMENT OF SUGAR QUOTAS

DECISION AND ORDER OF SECRETARY OF AGRICULTURE ALLOTTING 1950 SUGAR QUOTAS FOR PUERTO RICO

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of allotting the 1950 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct consumption portion of such quota) and the 1950 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct consumption sugar, and (2) who market sugar for local consumption in Puerto Rico. The basis of the order is more fully explained below.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments."

Omission of recommended decision and effective date. The record of the public hearing regarding allotment of the 1950 sugar quotas for Puerto Rico shows that the total quantity of Puerto Rican sugar that could be available for marketing in 1950 is presently estimated at 1,380,000 short tons, raw value (R. 5). This

quantity exceeds the sum of the mainland and local quotas (R. 5) by 365,000 tons. The sale of 220,000 tons of over-quota sugar to the Economic Cooperation Administration leaves a net of 145,000 tons not marketable under current 1950 quotas. Some of the allotments made by this order are small and could be exceeded by the marketing of a comparatively small amount of sugar. Since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is imperative that this order become effective at the earliest possible date in order to accomplish that end. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

On January 12, 1950, the Secretary of Agriculture, pursuant to the applicable rules of practice and procedure (7 CFR 801.1, et seq.), issued a notice of a public hearing to be held at San Juan, Puerto Rico, in the Auditorium of the School of Tropical Medicine on January 25, 1950, at 10:00 a. m., for the purpose of receiving evidence to enable him to make a fair, efficient, and equitable distribution of the 1950 mainland quota (including raw sugar transferred for further processing and shipment within the direct-consumption portion of the quota) and the 1950 local quota among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico. A statement of the subjects and issues involved in the hearing was included in the notice.

Section 205 (a) of the act requires a preliminary finding by the Secretary as a condition precedent to the calling of a hearing. Accordingly, the notice of hearing issued by the Secretary provides in part as follows:

Pursuant to the authority contained in the Sugar Act of 1948 (61 Stat. 922; 7 U. S. C.

1100) and in accordance with the applicable rules of practice and procedure (12 F. R. 8225, 13 F. R. 127, 2063; 7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the 1950 sugar quota for Puerto Rico for consumption in the continental United States, including the allotment of the direct-consumption portion thereof, and the 1950 sugar quota for local consumption in Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that public hearings will be held at San Juan, Puerto Rico, in the auditorium of the School of Tropical Medicine on January 25 and 27, 1950, at 10:00 a. m.

The hearing was held at the time and place specified in the notice.

Summary of testimony. With respect to the necessity for making allotments, the Government witness testified at the hearing that the estimated quantity of Puerto Rican sugar available for marketing in 1950 exceeds the combined mainland and local quotas by such an amount as clearly to indicate that allotment of these quotas is necessary (R. 5). This testimony on the necessity for allotment was not controverted by any witness.

With respect to the manner in which the allotment should be made, the Government witness proposed that total mainland and local marketings for each allottee first be established by giving 45 percent weight to processings from proportionate shares measured by such shares of the 1949-50 crop to be processed by the allottee, 10 percent weight to past marketings measured by total marketings, both mainland and local, during the years 1944-49, inclusive, and 45 percent weight to ability to market measured by proportionate shares of the 1949-50 crop to be processed by the allottee plus carry-over on January 1, 1950, of 1948-49 crop sugar (R. 20-22; Ex. 7). The witness then proposed that such total marketings for each allottee be divided into a mainland allotment and a local allotment on the basis of the division of each processor's total marketings during the year 1949 between the mainland and local markets (R. 28-30). The witness recommended further that allottees be permitted to exchange with each other quantities of either allotment for like quantities of the other (R. 29).

In support of his proposal the Government witness stated that the amount of each grower's cane to be ground, and thereby the processings of each allottee, is fixed by the proportionate share determination. Inasmuch as the proportionate shares determination takes into consideration an appropriate level of year-end stocks, it was felt that distribution of allotments on the basis of proportionate shares alone would be equitable were it not for the possibility that stocks at the beginning of the year 1950 may not have been proportionately distributed. Consequently, the Government witness proposed that 10 percent weighting be assigned to past marketings and equal weightings of 45 percent to each of the other two factors. Since January 1, 1950, stocks were relatively small—less than one-tenth of the total of the "ability" measure—these weightings give a preponderance of consider-

ation to proportionate shares in the proposed allotments. Since proportionate shares control farmers' marketings of sugarcane, a heavy weighting of this factor protects the interest of sugarcane producers in these allotments (R. 21).

The formula proposed by the Government witness was essentially the same as that used in the allotment of 1949 sugar quotas, the material changes being as follows: (1) In the six-year period used for measuring past marketings, the data for 1943 were dropped and those for 1949 added; (2) ability to market was measured by the sugar produced from the sum of the proportionate shares to be processed by the allottee, plus his January 1, 1950, stocks (R. 17). The Government witness further stated that the justification for using the proposed basis of allotment was fully set forth in the initial order which allotted the 1949 Puerto Rican sugar quota (R. 17). In regard to the manner in which total marketings are divided between mainland and local allotment, the Government witness explained that there had been a considerable number of exchanges of local and mainland allotments in 1949 and that such action was believed to have brought the pattern of local marketings reasonably well into line with the current interests of the various allottees. In regard to the manner in which producers who receive sugar in payment for sugarcane are to participate in allotments, the government witness proposed that each grower's share should be the percentage of the allotment that his 1949-50 crop sugar is of the processor's total production of 1949-50 crop sugar.

The allottees present at the hearing stipulated for the record (and all other allottees stipulated later in writing) that shipments of refined sugar to the Virgin Islands should be treated for allotment purposes as sugar for local consumption in Puerto Rico in order to simplify allotment and reporting procedures (R. 11-13, R. 49, 50).

Of the processors represented, three proposed using a year or years other than 1949 for segregating the local and mainland allotments (R. 43, 44) and one proposed that the local allotment for each allottee be the same percentage of the local quota as his percentage of the mainland quota (R. 45). One processor proposed that growers who share in the allotments of a processor (receive payment for sugarcane in sugar) but who did not use their shares in local allotments in 1949 should not share in the local allotments in 1950 (R. 42). Two processors proposed that the weightings of the factors be changed to 40 percent for proportionate shares, 20 percent for past marketings and 40 percent for ability, while one proposed that the weighting for past marketings be reduced to 5 percent with offsetting increases in the weightings of the other two factors (R. 26, 48).

Subsequent to the hearing all prospective allottees stipulated in writing that: (1) For the purposes of the initial allotment order the stated estimated production of each allottee from the 1949-50 sugarcane crop be used as the measure of "processings from propor-

tionate shares" and these quantities plus the stocks of sugar on hand January 1, 1950, be used as the measure of ability; (2) when the actual production is determined the allotment order be revised on the basis of such actual production without change in the initial formula and without further hearing; (3) sugar shipped to the Virgin Islands be regarded as marketings for local consumption in Puerto Rico in each of the years 1944-49, inclusive; (4) refined sugar shipped to the Virgin Islands in 1950 shall be regarded as local allotment sugar; and (5) any increase in the 1950 sugar quotas made after the issuance of the initial allotment order be allotted, without further hearing, on the same basis as the initial allotments.

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

* * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him * * *

All three factors specified in the foregoing provision of law have been considered and each has been given a percental weight in this allotment of the 1950 quotas for Puerto Rico.

The statute requires that the allotment be made in a manner that will assure a fair, efficient, and equitable distribution of the quota by taking into consideration three stated factors, but it does not specify the weight to be given to each factor. The allotments made herein are based on a formula which gives 45 percent weight to processings from sugarcane to which proportionate shares pertained measured by production from the 1949-50 crop, 10 percent weight to past marketings, measured by the average marketings during the years 1944-49, inclusive, and 45 percent weight to ability to market, measured by the production of sugar from the 1949-50 crop, plus the carry-over on January 1, 1950, of 1948-49 crop sugar. The allotments resulting from the application of this formula are deemed to result in a fair, efficient and equitable distribution of the quotas involved.

Heavy weightings to proportionate shares and ability to market, as measured herein, will assure equitable opportunities for growers to market sugarcane and an equitable distribution among allottees of sugar carried over into 1951. Consequently, each of these two factors is given a weighting of 45 percent and the factor past marketings is given a weighting of 10 percent.

The allotments are established by first calculating for each allottee the total quantity of sugar which such allottee may market in both the mainland and local markets. This is done by first converting the data for each of the factors for each processor to a percentage of the total of that factor for all proces-

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sors, then applying the indicated weightings to such percentages, and finally applying the sum of the weighted percentages for each processor to the sum of the quotas (1,015,000 tons). For each processor a local allotment is determined by applying to each processor's total permissible marketings the percentage that its local marketings were of its total marketings in the calendar years 1948 and 1949, and adjusting pro rata so that the total of such allotments will equal the local quota. The mainland allotment for each processor is determined by subtracting such local allotment from the total quantity that it may market.

Each processor's marketings in the mainland and local markets in 1948 and 1949 are used to divide total marketings for the reason that such division gives recognition to current trends in local marketings without excluding from allotments some processors who marketed no sugar locally in 1949 but who wish to participate in the local market in 1950. It is believed that the use of the recent years 1948 and 1949 will assure orderly marketing of sugar within the respective quotas and reduce the necessity for exchanges of allotments, thereby promoting marketing efficiency.

No objection was raised at the hearing to the use of the indicated measures for each of the factors and only a limited number of proposals were made for other weightings of the measures and such proposals contradicted each other.

Under allotment orders issued in prior years, exchanges of local and mainland allotments between Puerto Rican processors were permitted when approved by a local representative of the Department in Puerto Rico. Although allotments established under this order will involve fewer exchanges of this kind, it is recognized that some adjustments in the distribution of a processor's marketings under local and mainland allotments will result in greater efficiency in marketing. Therefore, the order permits such exchanges.

Since the allotments established by this order are based largely upon a measure of proportionate shares for which final production data are to be substituted when available, it is considered desirable to limit the amount of each allotment which may be marketed prior to September 1, 1950, to 75 percent of such allotment. This will enable the Department to obtain final production figures as a basis for a revised order prior to that date. This limitation is considered necessary to prevent any processor from marketing more than the share of the quota to which it will ultimately be entitled on the basis of its actual production.

The manner in which producers who received sugar in payment for sugarcane participated in 1949 allotments, which was proposed at the hearing for continuance in 1950, was initially applied under circumstances in which carryover of sugar from the preceding year was negligible. Upon further consideration of the variations in production among the producers and the size and

distribution of the carryover on January 1, 1950, it appears doubtful that the 1949 provision for producer participation in allotments would be equitable if applied in 1950. On the other hand, using 1950 production plus carryover on January 1, 1950, as a basis for producer participation in 1950 allotments would be equitable. Therefore, the allotments made herein will be shared on that basis.

Findings. On the basis of the record of the hearing, I hereby find that:

(1) For the calendar year 1950 Puerto Rican processors will have available for marketing on the mainland and in Puerto Rico an amount of sugar which exceeds the combined mainland and local quotas by approximately 145,000 short tons.

(2) Each of the three statutory standards of "processings from proportionate shares", "past marketings", and "ability to market", should be given a percent weight in making the allotment of the mainland and local quotas for Puerto Rico for 1950 to assure a fair, efficient and equitable distribution of these quotas.

(3) Production of sugar from 1949-50 crop sugarcane constitutes a fair and equitable measure of "processings from proportionate shares". Pending the availability of final data, estimated production is used and is set forth for each processor in column 1 of the table below.

(4) A fair and equitable measure of past marketings for each processor is its average marketings during the years 1944-49, inclusive. The past marketings

of each processor so measured is set forth in column 2 of the table below.

(5) The quantity of sugar which each processor will have available for marketing during 1950, representing production from the 1949-50 sugarcane crop, plus the carryover on January 1, 1950, from the 1948-49 crop, constitutes a fair and equitable measure of the ability of each processor to market sugar during 1950, and an estimate of such quantity for each processor is set forth in column 3 of the table below.

(6) The percentages that the marketings for local consumption in Puerto Rico were of total marketings for each processor during the years 1948 and 1949 are deemed to be representative for the purpose of dividing the total 1950 marketings for each processor into a mainland allotment and a local allotment. Such percentages are set forth in column 4 of the table below.

(7) Each processor and each producer who received sugar in payment for sugarcane had a substantial carryover of sugar on January 1, 1950, and such carryover will represent variable percentages of the total quantity that each such person has available for marketing in 1950.

(8) Jorge Lucas P. Valdivieso is not operating Central Pellejas in 1950 and is, therefore, an interested party only to the extent of 728 short tons, raw value, representing carryover of 1948-49 crop sugar into 1950. An allotment to Jorge Lucas P. Valdivieso equal to this amount will not prevent the fair, efficient, and equitable distribution of the 1950 quotas for Puerto Rico.

[Short tons, raw value]

| Processor | Proportionate shares ¹ | Past ² marketings | Ability to market ³ | Marketed locally 1948-49 ⁴ |
|---|-----------------------------------|------------------------------|--------------------------------|---------------------------------------|
| | (1) | (2) | (3) | (4) |
| Antonio Rolg, Sucesores, S. en C. | 59,859 | 45,670 | 63,752 | 49,6581 |
| Arturo Lluberas (estate of) y Sobrinos (San Francisco) | 6,916 | 6,247 | 7,300 | 22,3753 |
| Asociación Azucarera Cooperativa (Lafayette) | 40,904 | 33,646 | 43,779 | 2,0776 |
| Calaf Collazo Jalme y Federico (Monserate) | 27,363 | 18,795 | 29,859 | 4,6903 |
| Central Aguirre Sugar Co., a trust | 119,456 | 106,339 | 120,329 | 1,5724 |
| Central Coloso, Inc. | 51,686 | 42,901 | 53,288 | 1,3381 |
| Central Eureka, Inc. | 35,896 | 27,216 | 38,418 | 3,6339 |
| Central Guanani, Inc. | 10,463 | 10,015 | 10,961 | 9,2868 |
| Central Igualdad, Inc. | 45,928 | 39,533 | 48,440 | 35,3564 |
| Central Juanita, Inc. | 38,274 | 26,979 | 41,778 | 6,7720 |
| Central San Jose, Inc. | 22,663 | 16,186 | 24,389 | 1,0869 |
| Central San Vicente, Inc. | 50,418 | 40,783 | 54,227 | 8,1535 |
| Central Victoria, Inc. | 25,100 | 19,703 | 26,954 | 1,4637 |
| Compania Azucarera del Camuy, Inc. (Rio Liano) | 14,480 | 14,762 | 15,387 | 1,1123 |
| Compania Azucarera del Toa | 33,283 | 22,891 | 36,584 | |
| Cooperativa Azucarera Los Canos | 38,635 | 29,122 | 41,576 | |
| Corporacion Azucarera Sauri & Subira (Constancia Ponce) | 12,438 | 9,001 | 13,386 | 10,8534 |
| Eastern Sugar Associates, a trust | 152,393 | 117,226 | 163,779 | 10,8197 |
| Fajardo Sugar Co. | 118,403 | 94,086 | 127,526 | |
| Land Authority of Puerto Rico | 86,523 | 70,100 | 92,378 | |
| Mario Mercado e Hijos (Rufina) | 31,342 | 28,307 | 33,016 | 4,1344 |
| Mayaguez Sugar Co., Inc. (Rochelaize) | 12,226 | 9,973 | 13,042 | 1,6654 |
| Plata Sugar Co. | 44,687 | 27,907 | 48,784 | 1,0127 |
| Soller Sugar Co. | 14,333 | 8,598 | 15,844 | |
| South Porto Rico Sugar Co. of Puerto Rico | 117,052 | 101,069 | 124,260 | 15,2980 |
| Succion de J. Serralles (Mercedita) | 77,136 | 61,022 | 82,628 | 20,1709 |
| Subtotal | 1,287,667 | 1,025,107 | 1,577,464 | 8,3876 |
| Valdivieso, Jorge Lucas P. (Pellejas) | | | 728 | |
| Total | 1,287,667 | 1,025,107 | 1,578,192 | 8,3876 |

¹ Estimated 1949-50 crop production.

² Total marketings, continental and local, direct and by transfer, average 1944-49.

³ Estimated 1949-50 crop production plus Jan. 1, 1950, carryover of 1948-49 crop sugar.

⁴ Marketings for local consumption in Puerto Rico in 1948 and 1949 as a percent of marketing both for local consumption and for shipment to the continental United States in those years.

Conclusions. On the basis of the foregoing and after consideration of the record and the stipulations submitted by

all interested persons following the hearing, it is hereby determined and concluded: (1) That the allotment of the

1950 mainland quota for Puerto Rico, including raw sugar transferred for further processing and shipment within the direct-consumption portion of the quota, and the 1950 local quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and in Puerto Rico; (2) that in order to make a fair, efficient, and equitable distribution of such quotas as required by section 205 (a) of the act, (a) distribution of the total of the two quotas should be made by giving 45 percent weight to processings of sugar from sugarcane to which proportionate shares pertained, measured by production from the 1949-50 sugarcane crop, 10 percent weight to past marketings, measured by the average of such marketings by each processor during the years 1944-49, inclusive, and 45 percent weight to ability to market, measured by the total production of sugar from the 1949-50 sugarcane crop, plus the carryover on January 1, 1950, from the 1948-49 crop sugar; and (b) the quantity so determined should be divided into local and mainland allotments on the basis of the division between local and mainland marketings for each processor during the years 1948 and 1949. It is hereby further determined and concluded (1) that an efficient distribution of the quotas requires exchanges between allottees of quantities of mainland allotment for like quantities of local allotment, subject to the approval of the Director or Assistant Director, Caribbean Area Office, Production and Marketing Administration, San Juan, Puerto Rico, (2) that, pending the availability of final production figures from the 1949-50 sugarcane crop, each processor should be limited in its marketings prior to September 1, 1950, to 75 percent of each allotment established herein, and (3) that any producer who receives sugar in payment for sugarcane should be permitted to market within the allotments of the processor who processed his sugarcane a quantity of sugar equal to the percentage that the sum of the producer's January 1, 1950, carryover and his 1949-50 crop sugar is of the sum of the total amount of sugar carried over by the processor and all his producers and the production of 1949-50 crop sugar by the processor.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.3 *Allotments of 1950 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1950 sugar quota for Puerto Rico for consumption in the continental United States, including raw sugar to be further processed and shipped within the direct-consumption portion of such quota, amounting to 910,000 short tons of sugar, raw value, and the 1950 sugar quota for local consumption in Puerto Rico, amounting to 105,000 short tons of sugar, raw value, are hereby allotted to the following processors in amounts which appear in columns (1) and (3) opposite their respective names:

| Processor | Mainland allotment | | Local allotment | |
|--|--------------------|------------|-----------------|------------|
| | Total | 75 percent | Total | 75 percent |
| | (1) | (2) | (3) | (4) |
| Antonio Rolg, Sucesores, S. en C. | 23,146 | 17,360 | 23,640 | 17,730 |
| Arturo Llucheras, (estate of) y Sobrinos (San Francisco) | 3,962 | 2,972 | 1,526 | 1,144 |
| Asociación Azucarera Cooperativa (Lafayette) | 31,509 | 23,632 | 835 | 626 |
| Calaf Collazo, Jaime y Federico (Monterate) | 20,203 | 15,152 | 1,250 | 938 |
| Central Azúcar Sugar Co., a trust | 92,872 | 69,654 | 1,851 | 1,388 |
| Central Coloso, Inc. | 39,553 | 29,665 | 669 | 502 |
| Central Eureka, Inc. | 26,871 | 20,153 | 1,271 | 953 |
| Central Guaman, Inc. | 7,369 | 5,527 | 662 | 502 |
| Central Iguala, Inc. | 20,319 | 15,239 | 15,936 | 11,944 |
| Central Juchita, Inc. | 27,561 | 20,671 | 2,517 | 1,888 |
| Central San José, Inc. | 17,662 | 13,269 | 24 | 18 |
| Central San Vicente, Inc. | 38,318 | 28,735 | 1,662 | 1,172 |
| Central Victoria, Inc. | 19,419 | 14,564 | 359 | 269 |
| Compañía Azucarera del Camuy, Inc. (Rio Llano) | 11,529 | 8,647 | 162 | 122 |
| Compañía Azucarera del Teo | 26,318 | 19,288 | 0 | 0 |
| Cooperativa Azucarera Los Canes | 29,854 | 22,390 | 201 | 151 |
| Corporación Azucarera Sauri & Subira (Constancia Ponce) | 8,421 | 6,316 | 1,314 | 986 |
| Eastern Sugar Associates, a trust | 103,764 | 77,823 | 16,126 | 12,090 |
| Fajardo Sugar Co. | 93,528 | 70,146 | 5 | 4 |
| Land Authority of Puerto Rico | 68,192 | 51,144 | 22 | 16 |
| Mario Mercado e Hijos (Rufoa) | 23,576 | 17,682 | 1,274 | 956 |
| Mayaguez Sugar Co., Inc. (Rochelaise) | 9,443 | 7,082 | 200 | 150 |
| Plata Sugar Co. | 34,327 | 25,745 | 438 | 328 |
| Soller Sugar Co. | 11,159 | 8,369 | 22 | 16 |
| South Porto Rico Sugar Co. of Puerto Rico | 75,045 | 56,284 | 17,618 | 13,214 |
| Succion de J. Serralles (Merceditas) | 45,827 | 34,145 | 15,232 | 11,424 |
| Subtotal | 909,272 | 681,954 | 105,000 | 78,751 |
| Valdivieso, Jorge Lucas P. (Pellejas) | 728 | 546 | 0 | 0 |
| Total | 910,000 | 682,500 | 105,000 | 78,751 |

(b) *Producers' marketings under allotments.* If settlement with producers of sugarcane is made in sugar, marketings of such sugar of such producers shall be charged to the allotments of the processor. Each processor shall reserve a share of each of its allotments for the marketings of each such producer. Such share shall be equal to the same percentage of the allotment that the producer's 1949-50 crop sugar plus carry-over on January 1, 1950, is of the total production of 1949-50 crop sugar plus carry-over on January 1, 1950, of the processor and all his producers.

(c) *Restrictions on marketing.* (1) Prior to September 1, 1950, each processor named in paragraph (a) of this section, together with the producers with whom it shares its allotments under paragraph (b) of this section, is hereby prohibited from bringing into or marketing for entry into the continental United States for consumption therein, or from marketing for local consumption in Puerto Rico, any sugar in excess of 75 percent of the allotments established in paragraph (a) of this section.

(2) All persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing sugar for local consumption in Puerto Rico in excess of the amounts of sugar acquired for such purpose within the limitations specified in paragraphs (a) and (c) of this section.

(d) *Transfer or exchange of allotments.* The allotments established in paragraph (a) of this section, or producers' shares thereof established under paragraph (b) of this section shall not be transferred or exchanged without the approval of the Director or Assistant Director of the Caribbean Area Office, Production and Marketing Administration, United States Department of Agriculture, San Juan, Puerto Rico.

(e) *Specific charges against allotments.* Sugar produced in Puerto Rico

which is brought into the continental United States for consumption therein or marketed for local consumption in Puerto Rico after December 31, 1949, but prior to the effective date of this order shall be charged to the applicable allotment of the processor who processed such sugar.

(Sec. 205, 61 Stat. 926; 7 U. S. C. Sup., 1115)

Done at Washington, D. C., this 25th day of April 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 50-3603; Filed, Apr. 27, 1950; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 2—RULES OF PRACTICE

INVESTIGATIONAL PROCEDURES

The Commission on April 26, 1950, revised § 2.3 of its rules of practice (§§ 2.1 to 2.31), so as to read as follows, effective June 1, 1950.

NOTE: In said section, the numbers to the right of the decimal point correspond with the Roman numbers in the Commission's rules of practice, as included in its publication, rules, policy, organization, and acts.

§ 2.3 *Investigational procedures*—(a) *Investigations.* In any matter under investigation the Commission may invoke any or all of the compulsory processes authorized by law, including those stated in § 2.30 (c) (2). Any party required in any manner to respond to such processes shall be given actual notice of the purpose of the investigation.

(b) *Investigational hearings.* Investigational hearings as distinguished from hearings in formal adversary pro-

ceedings shall be held before the Commission, one or more of its members, or a duly designated representative, for the purpose of hearing the testimony of witnesses and receiving documents and other data relating to one or more of the subjects under investigation. Unless otherwise ordered by the Commission, such hearings shall be nonpublic investigatory proceedings and shall be stenographically reported, and a transcript thereof shall be made a part of the record of the investigation.

(c) *Rights of witnesses.* The provisions of § 2.30 (c) (3) shall be applicable to proceedings under this section.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of April 26, 1950, effective June 1, 1950.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-3674; Filed, Apr. 27, 1950,
9:46 a. m.]

PART 2—RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

The Commission, on April 19, 1950, revised §§ 2.8, 2.10, 2.11, 2.12, 2.14, 2.15, 2.18, 2.19, 2.20, 2.21, 2.22, 2.23, 2.24, 2.25, and 2.26 of its rules of practice (§§ 2.1 to 2.31), so as to provide for initial decisions by trial examiners in all formal cases.

Said rules shall be effective June 1, 1950, and shall apply to all proceedings before the Federal Trade Commission, which on that date have not been formally closed for the reception of evidence by order of the Trial Examiner. Cases which have been so closed on that date shall be adjudicated in accordance with the rules now in effect.

Said rules, as thus revised, read as follows:

NOTE: In said sections, the numbers to the right of the decimal point correspond with the Roman numbers in the Commission's Rules of Practice, as included in its publication, Rules, Policy, Organization, and Acts.

§ 2.8 *Answers.* (a) In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the acts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

(b) Ten (10) copies of answers shall be furnished. The original of all answers shall be signed in ink, by the respondent or by his attorney at law. Corporations or associations shall file answers through a bona fide officer or by an attorney at law. Answers shall show the office and post-office address of the signer.

(c) Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed

to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

(d) If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Such answer will constitute a waiver of any hearing as to the facts alleged in the complaint and findings as to the facts and conclusions based upon such answer shall be made and order entered disposing of the matter without any intervening procedure. The respondent may, however, reserve in such answer the right to submit proposed findings and conclusions of fact or of law under § 2.21, and the right to appeal under § 2.23.

(e) Requests for leave to withdraw an answer and file a substitute or amended answer shall be addressed to and ruled upon by the trial examiner subject to the provisions of § 2.20.

(f) The trial examiner may, at any time the case is pending before him, at the request or with the consent of the parties, hold a conference or conferences for the settlement or simplification of the issues in the proceeding.

§ 2.10 *Motions.* (a) During the time a proceeding is pending before a trial examiner all motions therein, except as provided in §§ 2.15 (d), 2.16, and 2.19, shall be addressed to and ruled upon by him, and no interlocutory appeals to the Commission from such rulings shall be allowed except as provided in §§ 2.14, 2.16 and 2.20.

(b) When a motion to dismiss is granted as to all charges of the complaint in regard to one or more respondents, or is granted as to any part of such charges in regard to any or all respondents, the trial examiner shall forthwith render, in accordance with the appropriate provisions of §§ 2.21, 2.22, and 2.23, an initial decision dismissing the complaint as to such charges or such respondents. An appeal from such decision may be taken in accordance with § 2.23.

(c) All motions subsequent to the filing of the initial decision shall be addressed to and ruled upon by the Commission. Ten (10) copies of all motions shall be filed.

§ 2.11 *Time—(a) Computation.* In computing any period of time prescribed or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

(b) *Continuances and extensions of time.* For good cause shown, the trial examiner may, as to all matters pending before him, extend any time limit prescribed in this part, except that govern-

ing the submission of his initial decision. Except as otherwise expressly provided by law, the Commission, for good cause shown, may extend any time limit prescribed in this part with respect to matters pending before it. Application for an extension shall be made prior to the expiration of the time which it is desired to extend.

(c) *Regulation of time and place of hearing.* Initial hearing before a trial examiner shall begin at the time and place ordered by the Commission, unless a notice of a change of such time and place is issued by the trial examiner, who shall regulate the course of hearings subject to the provisions of § 2.20.

§ 2.12 *Documents—(a) Filing.* All documents required to be filed in any proceeding, whether pending before a trial examiner or before the Commission, shall be filed with the Secretary of the Commission.

(b) *Title.* Documents shall clearly show the docket number and title of the proceeding.

(c) *Copies.* Documents, other than correspondence, shall be filed in triplicate, except as otherwise specifically required by this part.

(d) *Form.* (1) Documents not printed shall be typewritten, on one side of paper only; letter size, eight (8) inches by ten and one-half (10½) inches; left margin, one and one-half (1½) inches; right margin, one (1) inch.

(2) Documents may be printed, in ten (10) or twelve (12) point type, on good, unglazed paper, of the dimensions and with the margins above specified.

(3) Documents shall be bound at left side only.

(4) The originals of all answers, briefs, motions, and other documents shall be signed in ink, by the respondent or his duly authorized attorney. Where the respondent is an individual or a partnership, the originals of said documents shall be signed by said individual or by one of the partners, or by his or its attorney. Where the respondent is a corporation, the originals of said documents shall be signed under the corporate name by a duly authorized official of such corporation, or by its attorney. Where the respondent is an association, the originals of said documents shall be signed under the association name for said association by a duly authorized official of such association or by its attorney.

(5) One copy of a brief or other document required to be printed shall be signed as the original.

§ 2.14 *Trial examiners.* (a) All hearings pursuant to formal complaints shall be presided over by the Commission, a member of the Commission, or by a trial examiner appointed by the Commission and duly qualified as an examiner or hearing officer within the meaning of the Administrative Procedure Act. So far as practicable trial examiners shall be assigned to cases in rotation.

(b) Subject to the published rules of the Commission and within its authority, officers presiding at hearings shall have the following powers and duties in all cases to which they are assigned by the Commission, to wit:

(1) To administer oaths and affirmations.

(2) To issue subpoenas authorized by law.

(3) To rule upon offers of proof and receive relevant evidence.

(4) To take or cause depositions to be taken whenever the ends of justice would be served thereby.

(5) To regulate the course of the hearings.

(6) To hold conferences for the settlement or simplification of the issues by consent of the parties.

(7) To dispose of procedural requests or similar matters.

(8) To make and file an initial decision as provided by § 2.22.

(9) To certify questions to the Commission for its determination.

(10) To take any other action authorized by Commission rule consistent with the Administrative Procedure Act.

(c) Trial examiners shall perform no duties inconsistent with their duties and responsibilities as such. Save to the extent required for the disposition of *ex parte* matters as authorized by law, no trial examiner shall consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate.

(d) Trial examiners shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for the Commission.

(e) The trial examiner is charged with the duty of conducting a fair and impartial hearing and of maintaining order in form and manner consistent with the dignity of the Commission. In the event that counsel in any proceeding shall refuse to obey the orders of the trial examiner, or be guilty of disorderly or contemptuous language or conduct in connection with any hearing, the trial examiner may, for good reasons stated in the record, suspend or bar such offending attorney from further participation in that case. Any attorney so suspended or barred shall have the right to appeal to the Commission. On such appeal, the Commission will review the action of the trial examiner and take such action as it deems warranted by the circumstances, including the issuance of an order to offending counsel to show cause why he should not be suspended or disbarred pursuant to § 2.7.

§ 2.15 *Hearings in adversary proceedings.* All hearings pursuant to formal complaint shall be public unless otherwise ordered by the Commission, and such hearings shall be subject to the following conditions and requirements:

(a) Every party respondent shall have the right of due notice, cross-examination, presentation of evidence, objection, exception, motion, argument, appeal, and all other fundamental rights.

(b) The taking of evidence and subsequent proceedings shall proceed with all reasonable diligence and with the least practicable delay.

(c) Not less than five (5) days' notice of the time and place of any indefinitely postponed hearing shall be given to counsel of record or to parties, but in appoint-

ing such hearings due regard shall be had for the convenience and necessity of all parties or their representatives.

(d) The trial examiner may withdraw from a case when he deems himself disqualified, or he may be withdrawn by the Commission after timely affidavits alleging personal bias or other disqualification have been filed and the matter has been heard by the Commission or by a trial examiner whom it has delegated to investigate and report.

(e) Hearings shall be stenographically reported by the official reporter of the Commission under supervision of the presiding trial examiner. A transcript of said report shall be a part of the record and the sole official transcript of the proceeding. Transcripts will be supplied to respondents and to the public by the official reporter at rates not to exceed the maximum rates fixed by contract between the Commission and the reporter.

(f) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. No physical changes shall be made in or upon the official record or copies thereof in the custody of the Commission. Lists of changes agreed to in writing by opposing counsel may be incorporated into the record, if and when approved by the trial examiner, at the close of evidence in support of the complaint, or at the final hearing before the trial examiner, or at any time thereafter before he files his decision, and at no other times. If any changes are ordered by the trial examiner without such written agreement between opposing counsel they shall be subject to objection and exception.

§ 2.18 *Evidence.*—(a) *In general.* Counsel supporting the complaint shall have the general burden of proof and the proponent of any factual proposition shall be required to sustain the burden of proof with reference thereto. The trial examiner, subject to appeal to the Commission as provided in § 2.20, shall admit relevant, material and competent evidence, but shall exclude irrelevant, immaterial and unduly repetitious evidence.

(b) *Documentary.* Where relevant and material matter offered in evidence is embraced in a document containing other matter not material or relevant and not intended to be put in evidence, such immaterial or irrelevant parts shall be excluded, and shall be segregated insofar as practicable.

(c) *Official notice of facts.* Where any decision of the trial examiner or any decision of the Commission, or part thereof, rests upon the taking of official notice of a material fact not appearing in the evidence in the record, any party shall, upon timely motion, be afforded an opportunity to show the contrary.

(d) *Objections.* Objections to evidence shall be in short form, stating the grounds relied upon, and the transcript shall not include argument or debate thereon except as ordered by the presiding officer. Rulings on such objection shall appear in the record.

§ 2.19 *Depositions.* (a) For good and exceptional cause the testimony of any

witness may be taken in any case whether at issue or not, by deposition *de bene esse* or, prior to the pendency of a case, according to the common usage in Chancery. Depositions may be taken orally or upon interrogatories before any person having power to administer oaths and who has been duly designated by the Commission or the presiding trial examiner.

(b) Unless notice be waived, no deposition shall be taken except after at least five (5) days written notice to the parties within the United States, and fifteen (15) days notice when deposition is to be taken elsewhere.

(c) Any party desiring to take the deposition of a witness shall make application in writing to the presiding trial examiner, setting out the reasons why such deposition should be taken, the character of the deposition, the time when, the place where, and the name and Post Office address of the person before whom such deposition is to be taken, the name and Post Office address of each witness, and the subject matter concerning which the witness is expected to testify. If good and exceptional cause be shown, an order containing such instruction will be made and served upon the parties.

(d) In any formal matter not pending before a trial examiner, and in all proceedings not pursuant to formal complaint, application for the taking of a deposition shall be made to the Commission.

(e) Upon application granted, such deposition may be taken before a person having power to administer oaths other than the person designated in the notice, provided reasonable written notice of such change is given the opposing party. Each witness so testifying shall be duly sworn and the adverse party shall have the right to cross examine such witnesses. The questions propounded to the witnesses and the answers thereto shall be reduced to writing, and, in the presence of the officer taking the deposition, read to the witness and subscribed by the witness and certified in usual form by said officer. Thereafter the said officer shall forward said deposition with three copies thereof, in an envelope under seal, endorsed with the title of the case, and addressed to the Commission at its office in Washington, D. C. If in a pending case, such sealed deposition shall immediately be forwarded to the presiding trial examiner and at a time of hearing read in evidence subject to such objections to the questions and answers as were noted at the time of taking the deposition or as would be valid were the witness personally present at such hearing.

§ 2.20 *Interlocutory appeals to the Commission from rulings of trial examiners.* (a) Except as provided for in §§ 2.14 and 2.16, parties shall not have the right to prosecute interlocutory appeals from rulings of a trial examiner during the time the proceeding is pending before him unless it be shown to the Commission that the prompt decision of such appeal is necessary to prevent unusual delay and expense.

§ 2.21 Proposed findings and conclusions before trial examiner. (a) At the close of the reception of evidence before the trial examiner in all formal proceedings, or within a reasonable time thereafter to be fixed by the trial examiner, parties may file for consideration by the trial examiner their proposed findings and conclusions, together with their reasons therefor. Such proposals shall be in writing and shall contain exact references to the record and authorities relied on. Sufficient copies thereof shall be filed, pursuant to § 2.12, to provide one (1) copy for each party concerned and three (3) copies additional.

(b) Upon request by either party, oral argument may be allowed by the trial examiner. The record shall show his ruling on each proposed finding and conclusion.

§ 2.22 Trial examiner's initial decision in adversary proceedings. (a) Within thirty (30) days from the date of the order closing the case before the trial examiner, he shall make and file an initial decision which shall become the decision of the Commission thirty (30) days from service thereof upon the parties unless prior thereto (1) an appeal is filed under the provisions of § 2.23, (2) the Commission by order stays the effective date of the decision, or (3) the Commission, upon its own initiative, issues an order placing the case on its own docket for review. On appeal or review the Commission may exercise all the powers which it would have exercised if it had made the initial decision.

(b) The initial decision shall include a statement of (1) findings and conclusions, with the reasons or bases therefor, upon all the material issues of fact, law, or discretion presented on the record; and (2) an appropriate order.

(c) Except where he shall have become unavailable to the Commission, the initial decision in each proceeding shall be made and filed by the trial examiner who presided therein.

(d) No officer, employee, or agent, engaged in the performance of investigative or prosecuting functions for the Commission, and no party respondent or his agent or counsel in any case shall, in that or a factually related case, participate or advise in the decision of the trial examiner, except as a witness or as counsel in public proceedings.

(e) All findings, conclusions and orders made and issued by the trial examiner shall be based upon the whole record and supported by reliable, probative and substantial evidence.

(f) At any time prior to the filing of his initial decision the trial examiner may, for good cause shown, reopen the case for the reception of further evidence.

(g) A copy of the trial examiner's initial decision shall be served upon each party, counsel, or other representative who has appeared pursuant to § 2.7.

§ 2.23 Appeal from initial decision—
(a) **Time for filing notice of intention to appeal.** A notice of intention to appeal may be filed by any party within ten (10) days after service upon him of the initial decision.

(b) **Who may appeal.** Any party may file an appeal who shall have filed a notice of intention to appeal in accordance with paragraph (a) of this section.

(c) **Content of appeal brief.** An appeal shall be presented in the form of a brief, designated appeal brief, and shall contain, in the order here indicated, the following:

(1) A subject index of the matters presented, with page references, and a table of the cases (alphabetically arranged), textbooks and statutes cited, and reference to the pages where they are cited;

(2) A concise abstract or statement of the case;

(3) Exceptions to specific findings and conclusions of fact, or parts thereof, or conclusions of law in the initial decision; exceptions to the failure of the initial decision to include other findings or conclusions of fact, law or discretion; exceptions to any prejudicial error in procedure, including conduct or ruling of the trial examiner; or exceptions to the substance or form of the order or part thereof; together with proposed findings of fact, conclusions of fact or of law, and an order, or parts thereof, in lieu of those to which exception is taken, with specific page references to the parts of the record or the authority relied upon;

(4) Argument exhibiting clearly points of fact and of law relied upon in support of each exception taken, together with specific page references to the parts of the record cited and the legal or other authorities relied upon.

(d) **Limit of appeal.** No matter not included in the appeal brief may thereafter be presented to the Commission, in oral argument or otherwise.

(e) **Content of opposing brief.** The brief of a party opposing appeal, designated opposing brief, shall contain only facts, reasons and arguments in opposition to exceptions taken in the appeal brief, except as may be deemed necessary to correct any inaccuracy or omission in the appeal brief.

(f) **Time for filing.** An appeal brief shall be filed within thirty (30) days from date of service of the initial decision. An opposing brief shall be filed within twenty (20) days after service of the appeal brief. No further brief shall be filed except by special leave granted.

(g) **Number.** Twenty (20) copies of the notice of intention to appeal and of all briefs shall be filed.

(h) **Form.** All briefs shall be printed, multigraphed, or otherwise neatly processed on good unglazed white paper in type not smaller than ten (10) point double leaded, citations and quotations single leaded; footnotes not less than eight (8) point single leaded. Type page shall not be more than twenty-nine (29) picas wide by approximately forty-eight (48) picas deep and trimmed page shall be seven (7) inches by ten (10) inches, with an inside margin of not less than one (1) inch.

(i) **Length.** Unless leave be granted, no brief shall exceed seventy-five (75) printed pages.

(j) **Signing.** At least one copy of the notice of intention to appeal and of each brief shall be signed in ink by the submitting party.

§ 2.24 Oral arguments. (a) Oral arguments before the Commission shall be had as ordered, on written application of the Director, Bureau of Litigation of this Commission, or of the respondent, or of attorney for respondent, filed at the time of filing brief.

(b) Oral arguments before the Commission shall be reported stenographically unless otherwise ordered by the Commission.

§ 2.25 Commission's adjudication. (a) Upon appeal of a case to the Commission from the initial decision, the Commission will consider such parts of the record as are cited therein, or which may be necessary to resolve the issues presented, and in addition will, to the extent necessary or desirable, exercise all the powers which it would have exercised if it had made the initial decision. The Commission will thereafter rule upon each exception taken to the initial decision and render its decision, incorporating therein (1) that part of the initial decision which is affirmed; (2) any additional findings as to the facts, law, or discretion; and (3) such an order as it may deem just and appropriate.

(b) No officer, employee or agent, engaged in the performance of investigative or prosecuting functions for the Commission, and no party respondent or his agent or counsel in any case shall, in that or a factually related case, participate or advise in the decision of the Commission, except as a witness or as counsel in public proceedings.

§ 2.26 Reports showing compliance with orders and with stipulations. (a) In every case in which the Commission shall have issued an order to cease and desist, and in every instance in which the Commission approves and accepts a stipulation wherein a party agrees to cease and desist from the unlawful methods, acts, or practices involved, the respondent or respondents named in such order and the party or parties so stipulating shall file with the Commission within sixty (60) days after service of such order, or within sixty (60) days after notice of approval of such stipulation, a report, in writing, setting forth in detail the manner and form in which they have complied with said order or with said stipulation; *Provided, however,* That if within the said sixty (60) day period respondent shall file petition for review in a circuit court of appeals, the time for filing report of compliance will begin to run de novo from the final judicial determination: *And provided further,* That where the order prevents the use of a false advertisement of a food, drug, device, or cosmetic, which may be injurious to health because of results from such use under the conditions prescribed in the advertisement, or under such conditions as are customary or usual, or if the use of such advertisement is with intent to defraud or mislead, an interim report stating whether

and how respondents intend to comply shall be filed within ten (10) days.

(b) Within its discretion, the Commission may require any respondent upon whom such order has been served, and any party entering into such stipulation, to file with the Commission, from time to time thereafter, further reports in writing, setting forth in detail the manner and form in which they are complying with said order or stipulation.

(c) Reports of compliance shall be signed in ink by respondents or by the parties stipulating.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of April 19, 1950, effective June 1, 1950.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

By direction of the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 50-3538; Filed, Apr. 27, 1950;
8:45 a. m.]

[Docket 5475]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HERBERT S. BENJAMIN ET AL.

Subpart—Advertising falsely or misleadingly: § 3.15 Business status, advantages, or connections—Government connection; § 3.85 Government approval, connection or standards. Subpart—Using misleading name—Goods: § 3.2290 Government indorsement or connection; Vendor; § 3.2380 Government connection. I. In connection with the offering for sale, sale or distribution of books or other publications in commerce, and on the part of respondent individual trading as Army and Navy Publishing Company, and their agents, etc., using the word "Army" or the word "Navy", or any simulation thereof, as a part of or in connection with said respondents' trade name, unless in immediate connection with such name other words are used which clearly and conspicuously state that said respondents' business is a private business concern; and, II, in connection with the offering for sale, sale or distribution of pictures or photographs in commerce, and on the part of respondent individuals trading as Army and Navy Photographic Bureau, and their agents, etc., using the word "Army" or the word "Navy" or the word "Bureau" as a part of said respondents' trade name; or otherwise representing, directly or by implication, that said respondents' business is a part of or has any connection with the United States Government or the United States Army or Navy, or that said respondents' products are produced or sold by or under the auspices of the United States Government or any of its agencies; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 6, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Herbert S. Benjamin et al. doing business as the Army and Navy Publishing Company, etc., Docket 5475, February 17, 1950]

No. 82—3

In the Matter of Herbert S. Benjamin, William Andrew Benson, Porter Earl Dozier, Joan Clem Goldberger, H. S. Benjamin, Jr., and Florence Riddle Benson, Copartners, Doing Business as the Army and Navy Publishing Company, and the Army and Navy Publishing Company, Inc., and Herbert S. Benjamin, Joan Clem Goldberger, H. S. Benjamin, Jr., Dorothy Dennis and Ann Shendle, Copartners, Doing Business as Army and Navy Photographic Bureau

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answer thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint introduced before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision, and briefs of counsel (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents (other than the respondents William Andrew Benson, Porter Earl Dozier and Florence Riddle Benson) have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Herbert S. Benjamin, Joan Clem Goldberger and Herbert S. Benjamin, Jr., individually and as co-partners trading under the name Army and Navy Publishing Company, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books or other publications in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the word "Army" or the word "Navy", or any simulation thereof, as a part of or in connection with said respondents' trade name, unless in immediate connection with such name other words are used which clearly and conspicuously state that said respondents' business is a private business concern.

It is further ordered, That the respondents, Herbert S. Benjamin, Joan Clem Goldberger, Herbert S. Benjamin, Jr., Dorothy Dennis, and Ann Shendle, individually and as co-partners now trading under the name Army and Navy Photographic Bureau, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of pictures or photographs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the word "Army" or the word "Navy" or the word "Bureau" as a part of said respondents' trade name; or otherwise representing, directly or by implication, that said respondents' business is a part of or has any connection with the United States Government or the United States Army or Navy, or that said respondents' products are produced

or sold by or under the auspices of the United States Government or any of its agencies.

It is further ordered, That all of the respondents named in the two preceding paragraphs shall, within sixty (60) days from the date of service of this order upon them, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, For the reasons set forth in the findings as to the facts in this proceeding, that the complaint herein be, and it hereby is, dismissed as to the respondents, William Andrew Benson, Porter Earl Dozier and Florence Riddle Benson, without prejudice, however, to the right of the Commission to take such further action in the future with respect to these respondents as may be warranted by the then existing circumstances.

Issued: February 17, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-3606; Filed, Apr. 27, 1950;
8:47 a. m.]

[Docket 5567]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

COOK-MASTER, INC., ET AL.

Subpart—Advertising falsely or misleadingly: § 3.25 Competitors and their products; § 3.205 Scientific or other relevant facts; § 3.260 Terms and conditions. Subpart—Disparaging competitors and their products—Competitors: § 3.950 Reliability, history and financial condition; Competitors' products: § 3.1010 Qualities or properties. Subpart—Enticing away competitors' employees: § 3.1050 Enticing away competitors' employees. Subpart—Inducing breach of competitors' contracts: § 3.1065 Customers. Subpart—Interfering with competitors or their goods—Competitors: § 3.1085 Harassing. Subpart—Misrepresenting oneself and goods—Goods: § 3.1740 Scientific or other relevant facts; § 3.1760 Terms and conditions. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 3.2080 Terms and conditions. In connection with the offering for sale, sale or distribution in commerce, of cooking utensils, (1) representing, directly or by implication, that stainless steel cooking utensils provide a means of cooking food which is especially conducive to the health of the consumer, or that the cooking of food in such utensils will promote good health; (2) representing, directly or by implication, that the use of any of the utensils or procedures commonly employed in the cooking of food results in the destruction or material reduction of the mineral content of such food; (3) representing, directly or by implication, that the products sold by said respondent

will be delivered at any specified time, unless and until adequate arrangements have been made with suppliers of said products to insure delivery at or reasonably near such time; (4) making or publishing any false or disparaging statement or representation of or concerning any competitor or the products of any competitor; or, (5) doing or engaging in any of the following acts, practices or things for the purpose or with the effect of injuring competitors: (1) Causing or encouraging employees of any competitor to institute vexatious or unfounded lawsuits against such competitor, (2) inducing or attempting to induce employees of any competitor to leave the employ of such competitor, or (3) causing or attempting to cause customers of any competitor to cancel orders for cooking utensils sold by such competitor; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Cook-Master, Inc., et al., Docket 5667, February 13, 1950]

In the Matter of Cook-Master, Inc., a Corporation, Theodore N. Gould, J. Phillip Markey, Helen E. Markey, and Maurice L. Markey, Individuals

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the substitute answer of the respondents Cook-Master, Inc., and Theodore N. Gould, in which answer said respondents, for the purposes of the proceeding, admitted all of the allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to said facts, and a motion to dismiss the complaint as to the respondents Cook-Master, Inc., and Theodore N. Gould, and the answer thereto, which motion has been disposed of by the Commission in a separate order sustaining the same as to Cook-Master, Inc., and denying it as to Theodore N. Gould; and the Commission, having made its findings as to the facts and its conclusion that the respondent Theodore N. Gould has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Theodore N. Gould, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of cooking utensils, do forthwith cease and desist from:

(1) Representing, directly or by implication, that stainless steel cooking utensils provide a means of cooking food which is especially conducive to the health of the consumer, or that the cooking of food in such utensils will promote good health;

(2) Representing, directly or by implication, that the use of any of the utensils or procedures commonly employed in the cooking of food results in the destruction or material reduction of the mineral content of such food;

(3) Representing, directly or by implication, that the products sold by said respondent will be delivered at any specified time, unless and until adequate

arrangements have been made with suppliers of said products to insure delivery at or reasonably near such time;

(4) Making or publishing any false or disparaging statement or representation of or concerning any competitor or the products of any competitor;

(5) Doing or engaging in any of the following acts, practices or things for the purpose or with the effect of injuring competitors: (1) Causing or encouraging employees of any competitor to institute vexatious or unfounded lawsuits against such competitor, (2) inducing or attempting to induce employees of any competitor to leave the employ of such competitor, or (3) causing or attempting to cause customers of any competitor to cancel orders for cooking utensils sold by such competitor.

It is further ordered, That the respondent, Theodore N. Gould, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: February 13, 1950.

By the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 50-3607; Filed, Apr. 27, 1950; 8:47 a. m.]

[Docket 5667]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GEORGE LUXNER, TRADING AS GEENEL MOTOR PRODUCTS CO.

Subpart—*Misbranding or mislabeling*: § 3.1325 *Source or origin—Maker or seller*. Subpart—*Misrepresenting oneself and goods—Goods*: § 3.1745 *Source or origin—Maker*. In connection with the offering for sale, sale and distribution of breaker arms and adjustable contacts in commerce, directly or indirectly representing that respondent's breaker arms and adjustable contacts are the products of The Electric Auto-Lite Co., of Toledo, Ohio, or are the products of any other manufacturer which does not in fact produce them; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, George Luxner, trading as Geenel Motor Products Company, Docket 5667, February 17, 1950]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondent, George Luxner, in which answer said respondent admits all the material allegations of fact set forth in the complaint and waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent, George Luxner, an individual trading as Geenel Motor Products Company or under any other name or names, his representatives, agents, and employees, directly or

through any corporate or other device in connection with the offering for sale, sale, and distribution of breaker arms and adjustable contacts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly, representing that his breaker arms and adjustable contacts are the products of the Electric Auto-Lite Co. of Toledo, Ohio, or are the products of any other manufacturer which does not in fact produce them.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with it.

Issued: February 17, 1950.

By the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 50-3605; Filed, Apr. 27, 1950; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 240]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 238]

PART 825—RENT REGULATION UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

IDAHO AND OHIO

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 82, is amended to read as follows:

(82) [Revoked and decontrolled.]

This decontrols (1) the City of Pocatello, Idaho, in the Pocatello, Idaho, Defense-Rental Area, and all unincorporated localities in said defense-rental area based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Pocatello being the major portion of said defense-rental area and (2) the remainder of said defense-rental area based on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

2. Schedule A, Item 228, is amended to describe the counties in the defense-rental area as follows:

Cuyahoga County, except the City of Bedford and the Villages of Bay, Bentleyville, Brecksville, Chagrin Falls, Gates Mills, Highland Heights, Hunting Valley, Independence, Lyndhurst, Moreland Hills, North Olmsted, North Royalton, Orange, Pepper Pike, Valley View, and West View; and in Lake County those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby, and Willoughby Township, except the Village of Wickliffe.

Lake County, other than Willoughby Township and those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby.

This decontrols the Village of Valley View in Cuyahoga County, Ohio, a portion of the Cleveland, Ohio, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective April 27, 1950.

Issued this 26th day of April 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-3850; Filed, Apr. 27, 1950;
9:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5784]

PART 183—PRODUCTION OF DISTILLED SPIRITS

FORMS FOR REPORTS

1. Regulations 4 (26 CFR, Part 183) approved February 28, 1940, are amended, as follows, by amending § 183.338, and adding §§ 183.243a and 183.349a.

COLLECTION AND REMOVAL OF DISTILLATES, DISTILLED WATER, FUSEL OIL, AND CARBON DIOXIDE GAS FROM DISTILLERY

COLLECTION, AND DESTRUCTION OR REMOVAL FOR DENATURATION, OF CERTAIN DISTILLATES

§ 183.243a *District Supervisor's Account.* An account of losses of distillates containing one-half of 1 per cent or more of aldehydes and 1 per cent or more of fusel oil shall be kept on Form 1691, "District Supervisor's Account of Losses of Alcohol or Distilled Spirits." The account shall show all the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 346; 26 U. S. C. 2916)

TAX-PAYMENT, REMOVAL, AND TRANSFER OF DISTILLED SPIRITS FROM CISTERN ROOM

REMOVAL OF DISTILLED SPIRITS, FREE OF TAX, FOR EXPORTATION

§ 183.338 *Procedure.* When the distiller desires to remove distilled spirits of not less than 180 degrees proof, free of tax, from the distillery receiving cisterns for exportation in tank cars, he will file application on Form 206, in quintuplicate, and bond on Form 547, 548, 657, or 658, as the case may be, in triplicate, with the district supervisor and otherwise comply with applicable requirements of the regulations governing the withdrawal of distilled spirits from internal revenue bonded ware-

houses, free of tax, for exportation (26 CFR, Part 185), which are hereby extended to cover the exportation, free of tax, of distilled spirits from the distillery.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 336, 337, 339; 26 U. S. C. 2885, 2886, 2888)

LOSSES OF DISTILLED SPIRITS WHILE ON PREMISES OF A REGISTERED DISTILLERY

§ 183.349a *District Supervisor's Account.* An account of losses of distilled spirits on the distillery premises shall be kept on Form 1691, "District Supervisor's Account of Losses of Alcohol or Distilled Spirits." The account shall show all the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(53 Stat. 375; 26 U. S. C. 3176)

2. These changes are designed:

(a) To provide for the filing of an additional copy of Form 206 (Distilled Spirits for Exportation, Free of Tax) to be used, in lieu of Form 691 (Entry for Exportation), by the collector of customs to notify the district supervisor of the exportation of distilled spirits, thus simplifying the procedure by reporting essential details of the transaction on a single form; and

(b) To prescribe the use of Form 1691 (District Supervisor's Account of Losses of Alcohol and Distilled Spirits) by the district supervisor in maintaining an account of losses of distilled spirits.

3. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[SEAL]

FRED S. MARTIN,
Acting Commissioner
of Internal Revenue.

Approved: April 21, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-3587; Filed, Apr. 27, 1950;
8:45 a. m.]

PART 184—PRODUCTION OF BRANDY

FORMS FOR REPORTS

1. Regulations 5 (26 CFR, Part 184) approved February 28, 1940, are amended, as follows, by amending § 184.354; adding new §§ 184.229a and 184.366a; and revoking §§ 184.232 and 184.427.

COLLECTION AND REMOVAL OF DISTILLATES, DISTILLED WATER, FUSEL OIL, AND CARBON DIOXIDE GAS

COLLECTION AND DESTRUCTION OR REMOVAL FOR DENATURATION, OF CERTAIN DISTILLATES

§ 184.229a *District Supervisor's Account.* An account of losses of distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil shall be kept on Form 1691, "District Supervisor's Account of Losses of Alcohol or Distilled Spirits." The account shall show all the information as indicated in the heading and by the vari-

ous columns and as required by instructions issued in respect thereto and by this part.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 340; 26 U. S. C. 2091)

TAX-PAYMENT, REMOVAL, AND TRANSFER OF BRANDY FROM DISTILLERY

REMOVAL OF BRANDY, FREE OF TAX, FOR EXPORTATION

§ 184.354 *Procedure.* Where the distiller desires to remove brandy of not less than 180 degrees of proof, free of tax, from the distillery receiving tanks for exportation in tank cars, he will file application on Form 206, in quintuplicate, and bond on Form 547, 548, 657, or 658, as the case may be, in triplicate, with the district supervisor and otherwise comply with all applicable requirements of the regulations governing the withdrawal of distilled spirits from internal revenue bonded warehouses, free of tax, for exportation (26 CFR, Part 185), which regulations are hereby extended to cover the exportation, free of tax, of brandy from the distillery.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 339; 26 U. S. C. 2888)

LOSSES OF BRANDY IN DISTILLERY

LOSSES BY THEFT OR OTHERWISE THAN BY LEAKAGE OR EVAPORATION

§ 184.366a *District Supervisor's Account.* An account of losses of distilled spirits on the distillery premises shall be kept on Form 1691, "District Supervisor's Account of Losses of Alcohol or Distilled Spirits." The account shall show all the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(53 Stat. 375; 26 U. S. C. 3176)

2. The purposes of the amendments are as follows:

(a) To provide for the filing of an additional copy of Form 206 (Distilled Spirits for Exportation, Free of Tax) to be used in lieu of Form 691 (Entry for Exportation) by the collector of customs to notify the district supervisor of the exportation of distilled spirits, thus simplifying the procedure by reporting essential details of the transaction on a single form;

(b) To prescribe the use of Form 1691 (District Supervisor's Account of Losses of Alcohol and Distilled Spirits) by the district supervisor in maintaining an account of losses of distilled spirits; and

(c) To discontinue district supervisor's account, Form 412 (District Supervisor's Account of Fruit Distilleries).

3. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[SEAL]

FRED S. MARTIN,
Acting Commissioner
of Internal Revenue.

Approved: April 21, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-3588; Filed, Apr. 27, 1950;
8:45 a. m.]

[T. D. 5787]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

FORMS FOR REPORTS

1. Regulations 10 (26 CFR, Part 185) are amended as follows by:

(a) Amending §§ 185.37, 185.128, 185.216, 185.247, 185.272, 185.294, 185.311, 185.314, 185.317, 185.320, 185.323, 185.327, 185.328, 185.336, 185.338, 185.343, 185.349, 185.359, 185.360, 185.361, 185.362, 185.363, 185.364, 185.365, 185.367, 185.368, 185.369, 185.377, 185.379, 185.381, 185.382, 185.383, 185.384, 185.385, 185.394, 185.397, 185.413, 185.415, 185.418, 185.419, 185.467, 185.471, 185.473, 185.500, 185.502, 185.505, and 185.512;

(b) Adding §§ 185.364a, 185.365a, and 185.368a; and

(c) Revoking §§ 185.273, 185.351, 185.352, 185.353, 185.354, 185.355, 185.356, 185.357, 185.358, 185.393, and 185.480.

QUALIFYING DOCUMENTS

§ 185.37 *Application, Form 27-D.* Every person desiring the establishment of an internal revenue bonded warehouse shall file application thereon on Form 27-D, "Application by Proprietor of Internal Revenue Bonded Warehouse," in triplicate, with the district supervisor. Except as provided in § 185.42, in the case of amended and supplemental applications, all of the information indicated by the lines on the form and the instructions printed thereon, or issued in respect thereto, and in this part, shall be furnished. Applications on Form 27-D must be signed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such application contains therein a provision for verification by a written declaration that such application is made under the penalties of perjury, such application shall be verified by the execution of such declaration, and such declaration shall be in lieu of any oath required herein for verification. Such applications must be numbered serially, commencing with number 1 and continuing in regular sequence for all applications thereafter filed, whether amended or supplemental. All data, written statements, affidavits, and other documents submitted in support of the application shall be deemed to be a part thereof.

(Interprets or applies 53 Stat. 332, 63 Stat. 667; 26 U. S. C. 2873, 26 U. S. C. Sup., 3809)

TERMINATION OF BONDS

§ 185.128 *Transportation for export bonds.* Bonds covering a specific lot of distilled spirits withdrawn for transportation for export, Form 548, will be terminated by the district supervisor by marking the bond "Canceled," followed by the date of cancellation, upon receipt of Form 206 from the collector of customs showing the clearance of the spirits: *Provided*, That where there is a loss in transit, the bond will not be canceled until the liability has been terminated. Continuing bonds for distilled spirits withdrawn from time to time for transportation for export, Form 658, will be similarly terminated by the district supervisor where no further withdrawals

are to be made thereunder, provided that the account kept with the bond in accordance with § 185.394 shows that there are no outstanding charges.

(Interprets or applies 53 Stat. 337, 373; 26 U. S. C. 2886, 3170)

LOSSES OF DISTILLED SPIRITS BY THEFT, ACCIDENT, OR OTHERWISE THAN BY LEAKAGE OR EVAPORATION, IN WAREHOUSE OR IN TRANSIT THERETO, EXCEPT LOSSES FROM STORAGE TANKS OR STEEL DRUMS FILLED THEREFROM OF BRANDY OR FRUIT SPIRITS INTENDED FOR FORTIFICATION OF WINE

§ 185.216 *Records.* The storekeeper-gauger will report all losses of distilled spirits by theft, accident, or otherwise than by leakage or evaporation in his monthly return, Form 1513. The district supervisor will maintain a control account for such losses in warehouses on Form 1691, "District Supervisor's Account of Losses of Alcohol or Distilled Spirits." A separate control account will be maintained on Form 1691 for spirits lost in transit to warehouses. The control accounts shall show all of the information as indicated in the heading and by the various columns on the form and as required by instructions issued in respect thereto and in this part.

(Interprets or applies 53 Stat. 346, 373, 483; 26 U. S. C. 2915, 3170, 3953)

WITHDRAWAL OF SAMPLES OF DISTILLED SPIRITS

GENERAL PROVISIONS

§ 185.247 *Credit upon withdrawal of brandy or fruit spirits.* Upon the withdrawal from bond of a package of brandy or fruit spirits from which samples have been removed, the storekeeper-gauger shall interline in appropriate places on the withdrawal applications, Forms 179, 206, 257, or 1515, or permit, Form 1508, and in the loss allowed column of the report of withdrawal gauge, Form 1520, the total quantity (fractions of less than one-tenth gallon being disregarded) of the taxable samples and, separately, the total quantity (fractions of less than one-tenth gallon being disregarded) of tax-free samples removed from the package followed by the words "samples tax-paid" and "samples tax-free," respectively. The total quantity of all samples taken from the package shall be deducted with the allowable loss in calculating the taxable gallons if the package is withdrawn upon payment of tax, or the taxable loss, if any, if the package is withdrawn without payment of tax. Should the package be transferred in bond to another warehouse the storekeeper-gauger shall make like entries on Form 1619 in order that similar adjustments may be made when the package is withdrawn from the receiving warehouse. Upon the removal of a package from bond, the quantity withdrawn as samples shall also be entered by the storekeeper-gauger on Form 1513 as withdrawn tax-paid or tax-free, as the case may be. Credit shall be given similarly upon the emptying of a storage tank from which samples of brandy or fruit spirits were taken.

(Interprets or applies 53 Stat. 353; 26 U. S. C. 3037)

WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE

RECORDING AND REPORTS

§ 185.272 *Filing of withdrawal papers.* All copies of the withdrawal papers, Forms 179, 206, 236, 257, 543, 573, 1515, 1519, 1520, 1619, and 1620, retained by the storekeeper-gauger upon the withdrawal of distilled spirits from the warehouse and the copy of Form 1685 retained by him upon completion of brandy-blending operations, as herein-after provided, shall be filed by him in the manner prescribed in §§ 185.465 to 185.471.

(Interprets or applies 53 Stat. 300; 26 U. S. C. 2801)

WITHDRAWAL FOR BOTTLING IN BOND BEFORE TAX-PAYMENT

§ 185.294 *Procedure.* The withdrawal of distilled spirits for bottling in bond before tax-payment, and the bottling thereof, shall be pursuant to application made to the storekeeper-gauger in charge of the warehouse on Form 1515, in quintuplicate, and in accordance with the procedure prescribed in the regulations governing the bottling of distilled spirits in bond (26 CFR, Part 188). The packages to be withdrawn must be gauged and marked in accordance with the provisions of the Gauging Manual (26 CFR, Part 186) and, upon withdrawal, must be immediately removed to the bottling-in-bond department. Upon completion of the bottling operations the spirits must be immediately returned to the storage portion of the bonded warehouse. The storekeeper-gauger will at such time prepare Form 1620 to cover the deposit of the cases, as provided in § 185.153; and such form will be filed as a permanent record, as provided in § 185.467.

(Interprets or applies 53 Stat. 335, 342, 343, 373; 26 U. S. C. 2882, 2903, 2904, 3170)

TRANSFERS IN BOND BETWEEN INTERNAL REVENUE BONDED WAREHOUSES

TRANSFERS BETWEEN WAREHOUSES IN SAME DISTRICT

§ 185.311 *Storekeeper-gauger's receipt of spirits at warehouse.* Upon receipt of the spirits at the receiving warehouse, the storekeeper-gauger will examine the shipment and will ascertain and note on Form 1520, 1619 or 1620, as the case may be, losses or discrepancies, as provided in §§ 185.151 to 185.153. The proprietor may weigh and take the proof of the spirits, if desired, under the conditions specified in § 185.150. The storekeeper-gauger will execute his certificate of receipt on each copy of Form 236, noting thereon any losses or discrepancies reported on the corresponding Form 1520, 1619 or 1620. The storekeeper-gauger in charge will retain one copy of each of Forms 236 and 1520, 1619 or 1620, give one copy of each form to the proprietor of the warehouse, and forward one copy of Form 236 to the district supervisor. No withdrawal or transfer in bond of spirits received at the warehouse will be made until the three copies of Form 236 and the two copies of Form

1520, 1619 or 1620, as the case may be, have been received by the storekeeper-gauger in charge. The storekeeper-gauger will report on Form 1513 the original tax gallons contained in all packages received regardless of any losses in transit. However, any package lost in transit will not be reported on Form 1513, but will be reported by the district supervisor in his account of losses, Form 1691.

(Interprets or applies 53 Stat. 332; 26 U. S. C. 2875)

TRANSFERS IN BOND BETWEEN INTERNAL REVENUE BONDED WAREHOUSES IN DIFFERENT DISTRICTS

§ 185.314 *Storekeeper-gauger's receipt of spirits at receiving warehouse.* Upon receipt of the spirits at the receiving warehouse, the storekeeper-gauger will examine the shipment and ascertain and note on Form 1520, 1619, or 1620, as the case may be, losses or discrepancies, as provided in §§ 185.151 to 185.153. The proprietor may weigh and take the proof of the spirits, if desired, under the conditions specified in § 185.150. The storekeeper-gauger will execute his certificate of receipt on each copy of Form 236, noting thereon any losses or discrepancies reported on the corresponding Form 1520, 1619 or 1620. The storekeeper-gauger in charge will retain one copy each of Forms 236 and 1520, 1619 or 1620, give one copy of each form to the proprietor of the warehouse, and forward two copies of Form 236 to the supervisor of his district. The district supervisor will retain one copy of Form 236 and forward the remaining copy of Form 236 to the supervisor of the district from which the spirits were transferred. No withdrawal or transfer in bond of spirits received at the warehouse will be made until the four copies of Form 236 and the two copies of Form 1520, 1619 or 1620, as the case may be, have been received by the storekeeper-gauger in charge. The storekeeper-gauger will report on Form 1513 the original tax gallons contained in all packages received regardless of any losses in transit. However, any package lost in transit will not be reported on Form 1513 but will be reported by the supervisor-consignee in his account of losses, Form 1691.

(Interprets or applies 53 Stat. 332; 26 U. S. C. 2875)

EXPORTATION OF DISTILLED SPIRITS FREE OF TAX

DISTILLERS' ORIGINAL PACKAGES

§ 185.317 *Application and entry.* Whenever an owner desires to remove distilled spirits from an internal revenue bonded warehouse, either for direct exportation or for transportation for export, in distillers' original packages without reducing the proof of the spirits, or after the spirits have been reduced to not less than 90 degrees proof, he shall execute application on Form 206, in quintuplicate. All of the information required by the instructions printed on the form, or issued in respect thereto, and in this part, shall be furnished. Applications on Form 206 must be signed in accordance with the instructions printed on the form and sworn to be-

fore an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such application contains therein a provision for verification by a written declaration that such application is made under the penalties of perjury, such application shall be verified by the execution of such declaration, and such declaration shall be in lieu of any oath required herein for verification.

(Interprets or applies 53 Stat. 336, 337, 63 Stat. 687; 26 U. S. C. 2885, 2886, 26 U. S. C. Sup., 3809)

§ 185.320 *Inspection and regauge.* Upon receipt of the application, the storekeeper-gauger shall examine the same, and if the application and request for regauge on each copy have been fully executed, he shall inspect and regauge the packages. The details of the regauge shall be entered on Form 1520, in quintuplicate, a copy of which shall be attached to each copy of Form 206. After the packages have been regauged, the storekeeper-gauger will execute his report on Form 206, retain one copy of the form with Form 1520 attached, and deliver the remaining four copies to the proprietor of the warehouse, unless the spirits are to be reduced in proof, in which event the forms will be retained by the storekeeper-gauger until the packages have been regauged after reduction.

(Interprets or applies 53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.323 *Regauge after reduction.* After the spirits in the distillers' original packages have been reduced, the storekeeper-gauger will again regauge the packages and report the details thereof on Form 1520, in quintuplicate. Each such report of regauge shall have noted thereon the statement "Regauge after reduction," and a copy thereof shall be attached to each copy of Form 206, in addition to the copy of Form 1520 covering the withdrawal regauge. After the spirits have been so reduced and regauged the storekeeper-gauger will execute his report on all copies of Form 206, retain one copy with Forms 1520 attached, and deliver the four remaining copies to the proprietor of the warehouse. The packages after reduction shall be marked as provided in the Gauging Manual (26 CFR, Part 186).

(Interprets or applies 53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.327 *Action by collector.* If the remittance is sufficient to cover the cost of the export stamps and the tax on the taxable loss, if any, from the packages, the collector will issue the necessary number of export stamps, note the serial numbers of the export stamps on Form 1520 and execute his certificate on Form 206, receipting for the tax on the taxable loss, if any. The collector will retain one copy of each form (206 and 1520) and send three copies thereof, with the export stamps, to the proprietor of the warehouse.

(Interprets or applies 53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.328 *Application and bond to district supervisor.* The proprietor of the bonded warehouse shall forward to the

district supervisor all copies of the receipted Form 206, with Forms 1520 attached, together with a proper bond, executed in accordance with § 185.57 to 185.76 and 185.329, except that when an approved continuing bond (Form 657 or 658), in a sufficient penal sum, is on file in the district supervisor's office, applications covering exportations thereunder need not be accompanied by an export bond.

(Interprets or applies 53 Stat. 336, 337, 373; 26 U. S. C. 2885, 2886, 3170)

§ 185.336 *Disposition of forms.* When the packages have been delivered and the exporter has furnished a copy of the bill of lading, the storekeeper-gauger will forward immediately a complete set of the forms (206, 1520, and bill of lading) to the district supervisor, forward one copy each of Forms 206 and 1520 to the collector of customs at the port of exportation, and deliver one copy each of Forms 206 and 1520 to the proprietor for transmittal to the exporter. The exporter will execute his request for customs inspection on Form 206 and file such form with Form 1520 attached with the collector of customs at the port of exportation.

(Interprets or applies 53 Stat. 336, 337, 373; 26 U. S. C. 2885, 2886, 3170)

PACKAGES FILLED FROM DISTILLERS' ORIGINAL PACKAGES

§ 185.338 *Application and entry.* Whenever an owner desires to transfer distilled spirits from distillers' original packages to new packages for exportation, he shall execute application on Form 206, in quintuplicate, as provided in § 185.317. By the term "new packages" is meant any suitable packages into which the contents of original packages are transferred for exportation.

(Interprets or applies 53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.343 *New packages to be gauged.* After the transfer of the spirits to new packages has been completed, the storekeeper-gauger will gauge such packages. The details of the gauge will be entered on Form 1520, in quintuplicate. The notation "Filled for export from Packages Nos. ----" (the serial numbers of the original packages being inserted), shall be made on all copies of Form 1520 to distinguish such form from the form covering the regauge of the distillers' original packages. A copy of Form 1520, covering the gauge of the new packages, will be attached to each copy of Form 206, in addition to the copy of Form 1520, covering the withdrawal regauge of the distillers' original packages.

(Interprets or applies 53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.349 *Action by collector.* The collector will issue the necessary number of export stamps, note the serial numbers of the export stamps on the Form 1520 covering the gauge of the new packages and execute his certificate on Form 206, receipting for the tax due on the loss, if any. The collector will retain one copy of each form (206 and 1520) and return three copies thereof, with the export stamps, to the proprietor of the warehouse.

(Interprets or applies 53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

BOTTLING FOR TEMPORARY STORAGE BEFORE EXPORTATION

§ 185.359 *Application.* Whenever an owner desires to remove distillers' original packages of distilled spirits from an internal revenue bonded warehouse for bottling in bond for exportation, he shall execute Form 1515, in quintuplicate.

(Interprets or applies 53 Stat. 342, 343, 345; 26 U. S. C. 2903, 2904, 2910)

§ 185.360 *Request for regauge.* After the application on Form 1515 has been executed, the owner will deliver all copies thereof to the proprietor of the warehouse, who will execute his request for regauge of the spirits, and will deliver all copies to the storekeeper-gauger in charge of the warehouse.

(Interprets or applies 53 Stat. 342, 343, 345; 26 U. S. C. 2903, 2904, 2910)

§ 185.361 *Regauge of spirits.* Upon receipt of the application, the storekeeper-gauger in charge shall examine same and if it has been properly executed and the spirits are eligible for bottling in bond for export, he shall proceed to regauge the packages described therein. The details of the regauge shall be entered on Form 1520, in quintuplicate. After the packages have been regauged, the storekeeper-gauger shall retain one copy of each form (1515 and 1520) and deliver four copies thereof to the proprietor of the warehouse.

(Interprets or applies 53 Stat. 342, 343, 345; 26 U. S. C. 2903, 2904, 2910)

§ 185.362 *Remittance to collector.* The proprietor of the bonded warehouse shall forward all copies of Form 1515, with Form 1520 attached, to the collector of internal revenue, together with remittance for the necessary number of export stamps and the tax at the distilled spirits rate on the excess loss sustained by the packages while stored in warehouse, as disclosed by the regauge.

(Interprets or applies 53 Stat. 342, 345; 26 U. S. C. 2903, 2910)

§ 185.363 *Action by collector.* If the remittance is sufficient to cover the cost of the necessary number of export stamps and the tax on the excess loss from the packages, if any, the collector will issue the necessary number of export stamps, note the serial numbers of the export stamps in the appropriate column of Form 1520 and execute his certificate on Form 1515, receipting for the tax on the taxable loss, if any, from the packages. The collector will retain one copy of each form (1515 and 1520) and return three copies, together with the export stamps, to the proprietor of the warehouse.

(Interprets or applies 53 Stat. 342, 345; 26 U. S. C. 2903, 2910)

§ 185.364 *Removal of packages to bottling-in-bond department.* Upon receipt of Forms 1515 with Forms 1520 and the export stamps attached, the proprietor shall deliver same to the storekeeper-gauger in charge of the bonded warehouse, who will verify the data thereon with his retained copy of Form 1520, and

if no discrepancies are noted he will sign the stamps and return them to the proprietor, who shall proceed to affix and cancel them, and mark and brand the packages as provided in the Gauging Manual (26 CFR, Part 186). After the packages have been properly marked, branded and stamped they will be removed to the bottling-in-bond department.

(Interprets or applies 53 Stat. 342, 343, 345; 26 U. S. C. 2903, 2904, 2910)

§ 185.364a *Bottling.* The spirits will be bottled, stamped, cased and marked in accordance with the regulations governing the bottling of distilled spirits in bond (26 CFR, Part 188), after which the spirits may be returned to the storage portion of the warehouse pending withdrawal for exportation or may be removed for immediate exportation after the filing and approval of Form 206 and proper bond, in accordance with the provisions of §§ 185.367 to 185.368a. If the spirits are returned to the storage portion of the warehouse they need not be maintained in a separate room or building, but shall be kept separate and apart from all other distilled spirits stored in the warehouse.

(Interprets or applies 53 Stat. 342, 343, 344, 345; 26 U. S. C. 2903, 2904, 2905, 2910)

§ 185.365 *Report of packages removed for bottling.* The storekeeper-gauger will report the removal of spirits from the bonded warehouse for bottling in bond for export on his monthly return, Form 1513, and the bottling of the spirits on Forms 1515 and 1516, in accordance with the regulations governing bottling of distilled spirits in bond (26 CFR, Part 188).

(Interprets or applies 53 Stat. 343, 345, 346; 26 U. S. C. 2904, 2910, 2915)

§ 185.365a *Report of dumping, bottling and disposition.* After the distilled spirits have been bottled and removed, the storekeeper-gauger will complete his report of dumping, bottling and disposition on Form 1515 and prepare Form 1620. Remnants remaining after bottling distilled spirits in bond for export shall be disposed of as provided in the regulations governing the bottling of distilled spirits in bond (26 CFR, Part 188), and appropriate notations made on Form 1515 and if the remnants are returned to the storage portion of the warehouse notation also shall be made on Form 1620. One copy of Form 1515, together with Form 1520 covering the regauge of the packages, will be forwarded to the district supervisor. The storekeeper-gauger will deliver one copy each of Forms 1515, and 1520 to the proprietor, retain one copy of each form in the bottling-in-bond department and return the remaining forms to the storekeeper-gauger in charge of the warehouse. Spirits removed from the bottling department for immediate exportation shall be considered as constructively returned to the warehouse. The storekeeper-gauger shall report on Forms 1513 and 1516, as deposited, all spirits bottled and either returned to the storage portion of the warehouse for temporary storage or removed from the

bottling-in-bond department for immediate exportation.

(Interprets or applies 53 Stat. 343, 345, 346; 26 U. S. C. 2904, 2910, 2915)

EXPORTATION OF BOTTLED DISTILLED SPIRITS

§ 185.367 *Application and bond.* Whenever it is desired to withdraw bottled distilled spirits from the storage portion of the bonded warehouse or from the bottling-in-bond department, either for direct exportation or for transportation for export, the owner shall execute application on Form 206, in quadruplicate, in accordance with § 185.317. The request for regauge will not be executed. The applicant shall forward all copies of Form 206 to the district supervisor, together with a properly executed export bond in a sufficient penal sum, computed as prescribed in § 185.329, except that the application need not be accompanied by a bond if the applicant has on file with the district supervisor an approved continuing bond (Form 657 or 658) in a sufficient penal sum.

(Interprets or applies 53 Stat. 344, 373; 26 U. S. C. 2905, 3170)

§ 185.368 *Approval of bond and application.* The district supervisor will examine the bond and if it is properly executed and in a sufficient penal sum to cover the tax on the spirits contained in the cases, he shall note his approval thereon, retain one copy, send one copy to the Commissioner and deliver one copy to the principal. In cases where the exporter has on file a continuing bond executed on a prior date, under which the exportation is to be made, the district supervisor will determine whether such bond is of sufficient penal sum to cover the tax on the spirits specified in the application as well as any spirits previously removed for export thereunder and unaccounted for. If the owner and the proprietor of the warehouse have complied with the law and this part, the district supervisor shall execute his permit for removal and transportation of the spirits on all copies of Form 206 and forward them to the storekeeper-gauger in charge of the warehouse.

(Interprets or applies 53 Stat. 344, 345, 373; 26 U. S. C. 2905, 2910, 3170)

§ 185.368a *Removal of cases for exportation.* Upon receipt of Form 206, approved by the district supervisor, the storekeeper-gauger shall release the cases for exportation. Upon removal thereof from the bottling-in-bond department or from the storage portion of the warehouse, the storekeeper-gauger shall execute his report of removal on Form 206. The spirits, when released for exportation, must be consigned to the collector of customs at the port of export, and must be properly described in the bill of lading by serial numbers, kind, and quantity. The exporter shall deliver two copies of the bill of lading to the storekeeper-gauger. One copy of Form 206 will be retained by the storekeeper-gauger, one copy thereof with a copy of the bill of lading will be forwarded to the district supervisor, one copy with a copy of the bill of lading will be forwarded to the collector of customs at the port of exportation and one

copy will be delivered to the proprietor for transmittal to the exporter. The exporter will execute his request for customs inspection on Form 206 and file such form with the collector of customs at the port of exportation.

(Interprets or applies 53 Stat. 344, 345; 26 U. S. C. 2905, 2910)

§ 185.369 Records. When the spirits have been removed either from the storage portion of the warehouse or from the bottling-in-bond department, the storekeeper-gauger shall make appropriate entries on Form 1513, and the proprietor on Form 52 C.

(Interprets or applies 53 Stat. 343; 26 U. S. C. 2904)

WOODEN PACKAGES CONTAINING METALLIC CANS

§ 185.377 Records. The removal of the spirits from the cistern room for deposit in the internal revenue bonded warehouse shall be reported on the distiller's monthly report, Form 1598. The deposit of the spirits in the warehouse shall be reported on the storekeeper-gauger's monthly returns. Form 1513.

(Interprets or applies 53 Stat. 333, 346, 373, 483; 26 U. S. C. 2877, 2915, 3170, 3953)

PROCEEDINGS AT PORTS OF EXPORT

§ 185.379 Notice to Collector of Customs of arrival of spirits for exportation. When distilled spirits withdrawn for direct export or transportation for export arrive at the port of export, the exporter or his agent shall execute his request for customs inspection on the Form 206 delivered to him by the proprietor of the warehouse and file such copy together with the attached Form 1520, if any, with the collector of customs. If Form 206 is properly completed and accompanied by Form 1520, when required, the collector of customs shall execute his order, both on the copy of Form 206 received from the exporter and on the copy received from the storekeeper-gauger, directing an inspector of customs or other customs officer to inspect the packages or cases described in Form 206 and Form 1520, if any, and to supervise the scalping and destruction of the export stamps on packages, as provided in § 185.381, and the lading of the spirits. Both copies of Form 206 and Form 1520, if any, shall be delivered to the inspector of customs or other customs officer. In the case of distilled spirits withdrawn for transportation for export the exporter shall file an export-entry on Form 691 with the collector of customs after the inspection and lading of the spirits.

(Interprets or applies 53 Stat. 336, 337, 344; 26 U. S. C. 2885, 2886, 2905)

§ 185.381 Bulk containers. Distilled spirits in casks, or in cases containing metallic cans, shall be carefully gauged by a customs officer and a detailed report of such gauge shall be made on Form 696, in duplicate. In preparing the report, the customs officer shall make entries thereon as to each package in accordance with the column headings. A copy of the report of gauge will be attached to each copy of Form 206 and Form 1520, if any, and delivered to the collector of customs, as provided in

§ 185.383. There shall be cut out of each export stamp that portion upon which is shown the serial number of the stamp, the date of issue, the name of the collector issuing the same, the serial number of the cask or package, the contents in proof gallons, and the name of the internal revenue storekeeper-gauger. The cut-out portions of the export stamps shall then be attached to one copy of Form 206 for delivery to the collector of customs. After the export stamps have been scalped, the portions thereof remaining on each cask or package shall be obliterated.

(Interprets or applies 53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.382 Bottled spirits. A customs officer at the port of export will in every instance carefully inspect cases containing spirits for the purpose of ascertaining whether the cases bear evidence of tampering or have sustained losses in transit due to breakage. The officer will report on Form 206 any cases as to which a discrepancy is found, giving the serial numbers of the cases, their original contents in proof gallons, and the nature of the discrepancy as to each case. When the officer has completed his inspection and report as prescribed above, the entire shipment may be laden without detention of the deficient cases, unless the circumstances indicate fraud, in which event such cases will be detained pending investigation by the district supervisor, to whom the detention should be immediately reported.

(Interprets or applies 53 Stat. 344; 26 U. S. C. 2905)

§ 185.383 Return of inspection and lading. After the spirits have been duly laden on board the exporting vessel, car, or truck the customs officer shall execute his report on Form 206 and forward all copies to the collector of customs, together with Form 1520 and Form 696 in the event the shipment was composed of bulk containers.

(Interprets or applies 53 Stat. 336, 337, 344; 26 U. S. C. 2885, 2886, 2905)

§ 185.384 Disposition of forms by collectors of customs. Upon receipt of the duly executed forms, the collector of customs will execute his certificate on Form 206 and will forward the copy of such form bearing the cut-out portions of the export stamps and one copy of Form 1520 and Form 696, if any, to the district supervisor of the district in which is located the warehouse from which the spirits were removed for exportation.

(Interprets or applies 53 Stat. 336, 337, 344, 373; 26 U. S. C. 2885, 2886, 2905, 3170)

§ 185.385 Exportation in railroad cars or trucks from port of entry through another port. Where distilled spirits are to be exported by rail or in trucks through a frontier port and it is desired to avoid the delay of customs inspection and gauge at such port, the spirits may be entered for exportation at an interior customs port and inspected and gauged by a customs officer at that port. The inspecting customs officer will supervise the loading of the spirits and seal the car or truck with customs seals and note the car number or license number of the

truck, as the case may be, and the serial numbers of the customs seals, if numbered seals are used, in his report on both copies of Form 206 and forward the forms with Forms 1520 attached together with a copy of the bill of lading to be furnished by the exporter to the collector of customs. The collector will forward both copies of Forms 206 and 1520 to the customs officer at the frontier port and retain the bill of lading and the cut-out portions of the export stamps, if any, pending return of Forms 206. If the customs officer at the frontier port finds upon arrival of the car or truck that the seals are intact and there is no evidence of tampering with the contents, he will execute his report on Form 206, and allow the car or truck to proceed to its destination without opening. The officer will then return both copies of the receipted Form 206 with Form 1520 attached to the collector of customs at the port of entry. If, however, the customs officer finds that the seals are not intact or there is evidence of tampering with the contents, he will open the car or truck, inspect and gauge the spirits, and make report of his gauge on Form 696, in duplicate. When the spirits are so inspected and gauged, the customs officer will append to each copy of Form 206 (with Form 1520 attached, if any) a copy of his gauge on Form 696 before forwarding the forms to the collector of customs at the port of entry. Upon receipt of Forms 206 and Forms 1520 and 696, if any, from the customs officer at the frontier port, the collector at the port of entry will execute his certificate on both copies of Form 206, properly modified, and forward one copy of each form and the cut-out portions of export stamps from packages (if any) to the district supervisor of the district from which the spirits were withdrawn from the warehouse.

(Interprets or applies 53 Stat. 336, 337, 344, 373; 26 U. S. C. 2885, 2886, 2905, 3170)

§ 185.394 Account with export bonds, Forms 657, 658, 547, and 548. The district supervisor will keep an account on Form 1688, "District Supervisor's Account of Withdrawals of Liquors for Exportation, Free of Tax," with each continuing export bond on Form 657 or Form 658 and with each specific export bond on Form 547 or Form 548. The account shall show all of the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(Interprets or applies 53 Stat. 336, 337, 344, 373; 26 U. S. C. 2885, 2886, 2905, 3170)

LOSS OF DISTILLED SPIRITS WITHDRAWN FREE OF TAX FOR EXPORTATION

§ 185.397 Tax to be reported for assessment. If, upon examination of Forms 206, 1520, and 696 received from the collector of customs, it shall appear that there has been a loss of distilled spirits from packages while in transit from the internal revenue bonded warehouse from which withdrawn to the port of exportation, the district supervisor will report for assessment the tax on the deficiency in accordance with prescribed procedure. Where the deficiency from any package does not exceed one proof

gallon, and there is no evidence indicative of tampering, the deficiency may be disregarded. Where cases show evidence of loss while in transit, the district supervisor will report for assessment the tax on the deficiency of each such case.

(Interprets or applies 53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

TRANSFER OF DISTILLED SPIRITS TO CUSTOMS MANUFACTURING BONDED WAREHOUSES

§ 185.413 Withdrawal of packages. When any manufacturer, who is the proprietor of a customs manufacturing bonded warehouse, desires to remove distillers' original packages of distilled spirits to such warehouse from an internal revenue bonded warehouse, free of tax, for use in the manufacture of medicines, preparations, compositions, perfumeries, cosmetics, and cordials and other liquors, for export, or, in the case of spirits rectified or reduced in proof and bottled, for export or shipment to Puerto Rico, he shall execute application, Form 206, in quintuplicate, in accordance with the applicable provisions of § 185.317, indicating thereon that the spirits are to be withdrawn for transfer to a customs manufacturing warehouse. The proprietor of the internal revenue bonded warehouse from which the spirits are to be removed shall execute request on Form 206 for regauge of the packages covered by the application. The provisions of §§ 185.317 to 185.337, relating to the gauging, tax payment of excess losses, stamping, and removal of distillers' original packages for exportation, shall so far as applicable apply to packages to be removed to customs manufacturing warehouses.

(Interprets or applies 53 Stat. 340; 26 U. S. C. 2891)

§ 185.415 Account with bonds, Form 1618 and Form 643. The district supervisor will keep an account on Form 1687, "District Supervisor's Account of Transfers of Liquors to Customs Manufacturing Bonded Warehouse," with each continuing bond on Form 1618 and with each specific bond on Form 643. The account shall show all of the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(Interprets or applies 53 Stat. 340; 26 U. S. C. 2891)

§ 185.418 Regauge and deposit in customs manufacturing warehouse. Upon receipt of Forms 206 and 1520, the collector of customs will direct the proper officer to inspect and gauge the spirits upon their arrival at the warehouse, and to supervise their deposit therein. The officer will make a report of his gauge on Form 696, in duplicate, scalp the export stamps and attach them to one copy of the form, supervise the deposit of the spirits in the warehouse, execute his certificate on Customs Form 3923, in duplicate, and forward the forms to the collector of customs, who will execute his certificate on Form 3923 and forward one copy of each form with the scalped stamps and one copy each of Form 206

and Form 1520 to the district supervisor of the district from which the spirits were received.

(Interprets or applies 53 Stat. 340; 26 U. S. C. 2891)

§ 185.419 Action by district supervisor. Upon receipt of Forms 3923, 696, 206, and 1520 from the collector of customs, the district supervisor will ascertain whether there has been a loss of spirits from the packages when in transit. If such loss of spirits has occurred, the district supervisor will proceed as provided in § 185.397 in the case of loss of spirits from packages while in transit for exportation. If there has been no loss of spirits in transit, the district supervisor, will, if the spirits were withdrawn on a continuing bond on Form 1618, make appropriate credit entries on Form 1687, or, if the withdrawal was made under bond on Form 643, cancel such bond in accordance with the provisions of § 185.129 and make appropriate credit entries on Form 1687.

(Interprets or applies 53 Stat. 340; 26 U. S. C. 2891)

STOREKEEPER-GAUGER'S FILES AND RECORDS

§ 185.467 Files and records covering deposits. The storekeeper-gauger's copy of all Forms 1520, covering the deposit in warehouse of spirits received from distilleries; Forms 1619 and 1620, covering spirits received from other warehouses; Forms 1520, covering packages filled from storage tanks and retained in the warehouse; Forms 1520, covering packages filled from brandy-blending tanks; and Forms 1620, covering cases of bottled-in-bond spirits returned to the storage portion of the warehouse, shall be filed as permanent records, in bound form, in the office of the storekeeper-gauger. The storekeeper-gauger shall enter the date of deposit of the spirits in the warehouse at the bottom of each form. Before filing such forms the storekeeper-gauger shall make appropriate entries covering the receipt of the spirits in his summary of deposits and withdrawals, Form 1621. Forms 1520 and 1619 shall be filed under the name of the producing distiller (or warehouseman in the case of blended brandies) and arranged in chronological order according to date of deposit, and in sequence by serial numbers of the packages where possible. Forms 1620 shall be filed similarly in a separate binder. Separate files shall be maintained for storage tanks and for packages filled from storage tanks and retained in the warehouse and for packages filled from brandy-blending tanks. Where two or more lots of spirits are deposited in the same storage tank the Forms 1520 covering such deposits shall be kept together and identifying notations shall be made on each form showing that they collectively represent the spirits deposited in the tank. When the last deposit is made in a tank, a recapitulation of the deposits will be made on the Form 1520 covering the last deposit, and withdrawals will be noted on such form. The date of deposit of the spirits shall be entered at the bottom of each Form 236, covering spirits received in bond from other premises, at the bottom of each Form 1515 covering

spirits bottled in bond and returned to the warehouse, and at the bottom of each Form 1685 covering brandy blended in brandy-blending tanks and returned to the warehouse and such forms shall be filed separately by form number in chronological order.

(Interprets or applies 53 Stat. 300; 26 U. S. C. 2801)

§ 185.471 Filing of withdrawal forms and applications. The copies of the reports of the withdrawal gauge, Form 1520, the reports of removal for transfer in bond, Form 1619 or 1620, or the application for tax payment and withdrawal of bottled-in-bond spirits, Form 1519, as the case may be, retained by the storekeeper-gauger, shall be filed separately by form number in chronological order, according to the date of withdrawal noted on the bottom of the forms. The storekeeper-gauger's copies of withdrawal applications, Forms 179, 206, 236, 257, 573, 1515, and 1685, and of permit, Form 1508, will be filed separately by form number, in chronological order, in the same manner as the withdrawal forms. The withdrawal reports and applications for each month shall be separated in the file by proper markers and each file shall be appropriately marked to show the kind of forms contained therein and the period covered thereby.

(Interprets or applies 53 Stat. 300; 26 U. S. C. 2801)

STOREKEEPER-GAUGER'S MONTHLY RETURN

§ 185.473 Filing return. The storekeeper-gauger will prepare and forward two copies of the record to the district supervisor on or before the fifth day of the month succeeding that for which rendered: *Provided*, That the district supervisor may extend the time for filing the return to the 10th day of such month in the case of warehouses where there are numerous transactions. The district supervisor will, after audit and not later than the last day of the month succeeding that for which the return is rendered, forward one copy of each such return to the Commissioner and will retain the remaining copy.

(Interprets or applies 53 Stat. 346; 26 U. S. C. 2915)

SUPPLIES FOR CERTAIN VESSELS AND AIRCRAFT

§ 185.500 Procedure. Application to remove distilled spirits in packages and in cases bottled in bond for export from internal revenue bonded warehouses for use as supplies on vessels or aircraft will be made on Form 206. The procedure prescribed in §§ 185.317 to 185.350, as it relates to the withdrawal of packages from internal revenue bonded warehouses for exportation, is hereby made applicable to the withdrawal of packages for use as supplies on vessels or aircraft. The procedure prescribed in §§ 185.366 to 185.368a, relating to the transfer and withdrawal of spirits bottled in bond for export, is hereby made applicable to the transfer and withdrawal of bottled spirits free of tax for use as supplies on vessels or aircraft.

(Interprets or applies 46 Stat. 690, as amended; 19 U. S. C. 1309)

§ 185.502 *Export entry.* Before the spirits may be laden on the vessel or aircraft, the owner must file Form 206 with the collector of customs. The provisions of §§ 185.379, 185.380, and 185.382 to 185.384, will be observed insofar as applicable.

(Interprets or applies 46 Stat. 690, as amended; 19 U. S. C. 1309)

§ 185.505 *Records.* When spirits are withdrawn for use as supplies on vessels or aircraft, the quantity so removed will be reported on Form 1513.

(Interprets or applies 46 Stat. 690, as amended; 19 U. S. C. 1309)

VOLUNTARY DESTRUCTION OF SPIRITS

§ 185.512 *Destruction.* Spirits authorized to be destroyed will be regauged by the storekeeper-gauger and reported for that purpose on Form 1520, in quadruplicate. Following such regauge and payment of tax on any deficiency as hereinafter set forth, the spirits may be destroyed under the immediate supervision of the storekeeper-gauger by running the same into the sewer or by other suitable means. The storekeeper-gauger will then certify to such destruction on the Form 1520, return one copy of the form to the warehouseman, retain one copy for his file, and forward one copy to the district supervisor. He will take appropriate credit for the spirits so destroyed at a special line on Form 1513. If the regauge discloses losses in excess of the statutory allowance, such losses must be tax-paid prior to destruction of the spirits. The Form 1520, in quadruplicate, will be submitted to the collector accompanied by the warehouseman's remittance for the tax. Upon collection of the tax, the collector will certify the tax-payment on the four copies of the Form 1520, retain one copy of the form, and forward three copies of the form to the warehouseman. The collector will list the item on his current distilled spirits tax list. The warehouseman will return the three copies of Form 1520 received from the collector to the storekeeper-gauger.

(Interprets or applies 53 Stat. 340, as amended; 26 U. S. C. 2901)

2. The purposes of the amendments are as follows:

(a) To simplify the records in connection with bottling-in-bond transactions by eliminating the use of Form 655 (Application for Withdrawal, Bottling in Bond, and Storage of Bottled Spirits for Export) and Form 1518 (Application for Withdrawal of Distilled Spirits, Bottling Before Tax-Payment, and Return to Bonded Warehouse), and reporting all of the required information on Form 1515 (Distilled Spirits Bottled-in-Bond);

(b) To provide, in the case of direct exportation, that Form 206 Revised, (Distilled Spirits for Exportation, Free of Tax) be used in lieu of Form 206 (Application and Entry for Withdrawal of Distilled Spirits for Exportation), and 691 (Entry for Exportation);

(c) To prescribe the use of Forms 1687 (District Supervisor's Account of Transfers of Liquors to Customs Manufacturing Bonded Warehouse), 1688 (District Supervisor's Account of Withdrawals of Liquors for Exportation), and 1691 (Dis-

trict Supervisor's Account of Losses of Alcohol and Distilled Spirits) by the district supervisor in maintaining administrative control of transfers to customs manufacturing bonded warehouses, exportations, and losses and accounts with the bonds covering such transfers and exportations; and

(d) To eliminate the requirements for submission of monthly report, Form 1514 (Supervisor's Account as to Distilled Spirits in Internal Revenue Bonded Warehouses).

(e) To eliminate the jurat from Form 27-D (Application by Proprietor of Internal Revenue Bonded Warehouse).

3. This Treasury decision shall be effective the 31st day after its publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176)

[SEAL]

FRED S. MARTIN,
Acting Commissioner
of Internal Revenue.

Approved: April 21, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-3590; Filed, Apr. 27, 1950;
8:45 a. m.]

PART 188—BOTTLING OF DISTILLED SPIRITS (OTHER THAN ALCOHOL) IN BOND

FORMS FOR REPORTS

1. Regulations 6 (26 CFR, Part 188) approved September 19, 1940, are amended, as follows, by: Amending §§ 188.46 (first paragraph), 188.46 (b), 188.48, 188.49, 188.50, 188.56, 188.65, 188.66, 188.67 (e), 188.69, 188.100, 188.107, 188.117, 188.122, 188.126; adding § 188.122a; and revoking § 188.123.

TRANSFER OF SPIRITS TO BOTTLING-IN-BOND DEPARTMENT

§ 188.46 *Entry for withdrawal.* The entry for withdrawal for bottling in bond for domestic purposes must bear date not less than four years after date of original gauge as to fruit brandy, or original entry as to all other spirits. The period during which spirits are stored in tanks in warehouses must be deducted from the age in determining whether such spirits are eligible for bottling in bond, that is, the entry for withdrawal must bear date not less than four years after the date of filling of the packages. The gauging, marking, branding, stamping, execution of Form 179 or Form 1515, etc. and the removal of the spirits from the bottling-in-bond department shall be in conformity with the applicable provisions of this part and Regulations 10 (26 CFR, Part 185).

(b) *Bottling before tax-payment.* The withdrawal of distilled spirits for bottling in bond before tax-payment, and the bottling thereof, shall be pursuant to application made to the storekeeper-gauger in charge of the warehouse on Form 1515, "Distilled Spirits Bottled in Bond," in quintuplicate.

(Interprets or applies 53 Stat. 342, 343; 26 U. S. C. 2903, 2904)

§ 188.48 *Application for withdrawal of spirits for bottling for export.* Whenever spirits are to be withdrawn from an internal revenue bonded warehouse for bottling in bond for exportation, free of tax, application for withdrawal will be made pursuant to Form 1515, "Distilled Spirits Bottled in Bond," in quintuplicate. The storekeeper-gauger will determine that the spirits are eligible for bottling in bond for export before they are regauged for that purpose. Every package of distilled spirits withdrawn for bottling in bond for exportation must have an export stamp affixed thereto at the time of its removal from the bonded warehouse to the bottling-in-bond department. The execution of Form 1515, and the gauging, marking, branding, and stamping of packages of distilled spirits to be bottled in bond for export, and the removal from the warehouse, removal from the bottling-in-bond department for export, and return to the warehouse for temporary storage for export shall be in conformity with this part and the applicable provisions of Regulations 10 (26 CFR, Part 185).

(a) *Removal of bottled spirits.* Upon completion of bottling, the filled bottles with labels and strip stamps properly affixed must be placed in cases marked in accordance with §§ 188.78 to 188.83 and the filled cases will then be sealed. If the spirits are to be returned to the storage portion of the warehouse for temporary storage before exportation, they shall be immediately removed to the storage portion of the warehouse. If the spirits are to be removed directly from the bottling-in-bond department for exportation, application on Form 206 covering the exportation must be filed immediately upon completion of the bottling and the cased spirits will be held in the bottling-in-bond department until receipt of approved copies of Form 206, after which they will be removed in accordance with the applicable provisions of Regulations 10 (26 CFR, Part 185).

(Interprets or applies 53 Stat. 342, 343, 344 345; 26 U. S. C. 2903, 2904, 2905, 2910)

§ 188.49 *Bottling tax-paid spirits.* Proprietors of bonded warehouses desiring to bottle distilled spirits after tax-payment should so indicate on Form 179, covering the entry for tax-payment of the spirits. The forms will be submitted in quadruplicate to the storekeeper-gauger in charge of the warehouse. The storekeeper-gauger making the regauge will report the same in detail on Form 1520, "Storekeeper-Gauger's Report of Spirits Gauged," also in quadruplicate, three copies of which, together with all copies of Form 179, will be delivered to the proprietor of the warehouse, who will forward the same to the collector of the district with remittance for the tax. Upon issuance of the tax-paid stamps, the collector will enter the serial numbers of the stamps in the appropriate spaces on all copies of Forms 179 and 1520, sign the certificate of tax-payment on all copies of Form 179, retain one copy of each Form 179 and Form 1520, and return the remaining three copies of

Form 179 and two copies of Form 1520 to the proprietor with the stamps, who will deliver the same to the storekeeper-gauger. Upon withdrawal of the spirits the storekeeper-gauger will forward one copy of each form to the district supervisor, deliver one copy of each to the proprietor, and file one copy of each form in his office in conformity with the provisions of Regulations 10 (26 CFR, Part 185). When the spirits are removed to the bottling-in-bond department the proprietor will execute his application for withdrawal and for bottling in bond on Form 1515 in accordance with instructions printed thereon or issued in respect thereto and as required by this part. He will deliver all copies of the form to the storekeeper-gauger in the bottling-in-bond department. Upon completion of the bottling and removal of the cases the storekeeper-gauger will prepare his report of dumping, bottling and disposition of cases on Form 1515, forward one copy to the district supervisor, deliver one copy to the proprietor and file the remaining copy in the bottling-in-bond department.

(Interprets or applies 53 Stat. 298, 301, 335, 336, 342, 343; 26 U. S. C. 2800, 2802, 2882, 2884, 2903, 2904)

§ 188.50 Bottling before tax-payment. Upon receipt of application on Form 1515, in quintuplicate, filed pursuant to paragraph (b), of § 188.46, and upon satisfying himself that the spirits are eligible for bottling in bond, the storekeeper-gauger will inspect, gauge, and supervise the marking of the packages. He will make a detailed report of the gauge on Form 1520, in quintuplicate, and enter a summary thereof on each copy of Form 1515.

(a) *Tax to be paid on excess losses.* If the regauge discloses excess losses to be tax-paid, the storekeeper-gauger will retain one copy each of Form 1515 and Form 1520 and deliver four copies of each form to the proprietor who will forward all such copies to the collector for the district in which the bonded warehouse is located, together with the remittance for the tax due on the excess losses. The collector will execute his certificate as to the payment of the tax on each Form 1515, retain one copy of each form, and return the remaining copies to the warehouse proprietor for delivery to the storekeeper-gauger. After the packages have been properly marked, branded, and removed to the bottling-in-bond department the storekeeper-gauger will complete his certificate of removal on all copies of Form 1515 (including his retained copy) and return the four copies of Form 1515 together with three copies of Form 1520 to the warehouse proprietor. After the spirits have been dumped and reduced in proof the proprietor will execute his application to bottle in bond and his application for strip stamps pursuant to § 188.100 or § 188.107, as the case may be, on Form 1515 and deliver all copies of Forms 1515 and 1520 to the storekeeper-gauger in charge of the bottling-in-bond department. If excess losses are not disclosed by the regauge, the forms will not be sent to the collector.

(b) *Evidence of tax-payment.* The storekeeper-gauger may release distilled spirits for bottling in bond before pay-

ment of the tax on excess losses from packages removed for bottling in bond before tax-payment. However, Forms 1515 and 1520, together with the remittance, must be transmitted to the collector immediately, and when such is done, the bottling of the spirits contained in such packages, and the return thereof to the storage portion of the bonded warehouse may be permitted prior to the return of Forms 1515 and 1520 from the collector: *Provided*, That in such cases extra copies of Forms 1515 and 1520 covering the packages should be furnished the officer at the bottling-in-bond department in order that he may be in a position to inspect the spirits prior to dumping for bottling. Upon return of the receipted Forms 1515 from the collector, the storekeeper-gauger will compare the amounts, and if found to be in agreement, the extra copies will be destroyed.

(c) *Completion of bottling.* When the bottling is completed, the storekeeper-gauger in the bottling-in-bond department will complete his report of dumping, bottling and disposition on Form 1515, forward one copy with Form 1520 attached to the district supervisor, deliver one copy of each form to the proprietor, return one copy of Form 1515 to the storekeeper-gauger in charge of the warehouse and file the remaining copy of each form in the bottling-in-bond department.

(Interprets or applies 53 Stat. 298, 301, 335, 336, 342, 343; 26 U. S. C. 2800, 2802, 2882, 2884, 2903, 2904)

DUMPING, REDUCING, AND BOTTLING

§ 188.56 Bottling conducted under supervision of storekeeper-gauger. The entire operation of bottling spirits in bond, including the withdrawal of the spirits from the packages, the effacement and obliteration of every mark, brand, and stamp on the packages emptied, the straining of the spirits and their reduction by the addition of pure water to the proof required by law, the filling and stamping of the bottles and the casing of the bottles, and the removal of the cases from the bottling-in-bond department upon the completion of bottling of each lot will be performed by the proprietor of the warehouse under the immediate supervision of the storekeeper-gauger: *Provided*, That the storekeeper-gauger shall determine the proof of the spirits in the tank after reduction and prior to release for bottling, and make appropriate entries on Form 1515. The proof of the spirits shall be adjusted to a whole degree of proof in accordance with the provisions of the Gauging Manual (26 CFR, Part 186) preparatory to filling bottles. Adjusting the proof to tenths of a degree, either above or below the whole or complete degree, will not be permitted: *Provided*, That when spirits are being prepared for bottling in bond for export and are to be bottled and labeled in tenths of a degree of proof, such as 86.6, the proof of the spirits shall be adjusted to such tenths of a degree of proof. The proof in each instance shall be verified as to accuracy by the Government officer. The proof will be determined in accordance with the rules stated in the Gauging Manual (26 CFR, Part

186). While the storekeeper-gauger is charged with the duty of requiring compliance with the provisions of the law and this part by the persons engaged in the various operations of bottling the spirits, his failure in any instance will not relieve the proprietor of the warehouse from responsibility.

(Interprets or applies 53 Stat. 342, 343; 26 U. S. C. 2903, 2904)

§ 188.65 Remnant cases of domestic spirits. Where there is less than a case of bottled spirits remaining from a lot of spirits bottled, the remnant will be placed in a case constructed in the same manner as the cases described in §§ 188.89 to 188.91. The remnant case will be given the serial number of the last full case containing spirits in the same lot, followed by the letter "R", thus: "100R" or "161R." If the next lot of spirits dumped for bottling is of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and the distilling season, the remnant case may be held in the bottling-in-bond department and used for filling a complete case, or the contents may be dumped into the bottling tank and mingled with such other spirits for bottling in bond for domestic purposes. Otherwise, the remnant case will be removed with the other cases from the bottling-in-bond department to the storage portion of the warehouse and appropriate entry made in the record. Such remnant case may be tax-paid for domestic consumption, or may be returned from the storage portion of the bonded warehouse to the bottling-in-bond department when the next lot of spirits of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season is dumped for bottling. The bottles may be used for filling a complete case or the contents may be dumped into the bottling tank and mingled with such other spirits for bottling in bond for domestic purposes. In all cases when a remnant is disposed of as heretofore provided, notation will be made on Form 1515, showing the disposition of such remnant.

(Interprets or applies 53 Stat. 342, 343; 26 U. S. C. 2903, 2904)

§ 188.66 Remnants of low-proof spirits. Remnants of spirits resulting from overflow in filling bottles, and spirits which have deteriorated in proof by evaporation or repacking of filters, may be returned, under the immediate supervision of the storekeeper-gauger, to the dumping, reducing, dumping and reducing tank, or bottling tank, containing the same or another lot of spirits of the same kind, produced by the same distiller, under the same name, at the same distillery during the same distilling season and year. Distilled spirits so returned to the dumping, reducing, dumping and reducing, or bottling tank will be reported on Form 1515, "Distilled Spirits Bottled in Bond," and Form 1516, "Storekeeper-Gauger's Monthly Return of Distilled Spirits Bottled in Bond."

(Interprets or applies 53 Stat. 342, 343; 26 U. S. C. 2903, 2904)

§ 188.67 *Remnants of distilled spirits bottled in bond for export.* * * *

(c) *Records.* In all cases where a remnant is disposed of as heretofore provided, notation will be made on Form 1515 and Form 1620, showing the disposition made of such remnant.

(Interprets or applies sec. 505, 49 Stat. 1965, 53 Stat. 298, 303, 331, 342, 343; 27 U. S. C. 205, 26 U. S. C. 2800, 2803, 2871, 2903, 2904)

§ 188.69 *Remnant cases of spirits bottled in bond for export returned to bottling-in-bond department.* When remnant cases of spirits bottled in bond for export are to be returned to the bottling-in-bond department from the storage portion of the warehouse for use in filling a complete case, they will be included in the application, Form 1515, covering the withdrawal of bulk containers for bottling for export.

(Interprets or applies 53 Stat. 342, 343; 26 U. S. C. 2903, 2904)

STAMPS

DOMESTIC STRIP STAMPS

§ 188.100 *Proprietor's application, Form 1515.* All distilled spirits of each particular lot transferred to a bottling tank should be immediately drawn off into bottles of the desired size or sizes, as provided in this part. Application for domestic strip stamps will be made by the proprietor on Form 1515 at the time of execution of his application to bottle in bond pursuant to §§ 188.49 and 188.50. The applicant should request the number of strip stamps necessary to bottle the quantity of spirits contained in the packages as indicated by the proof-gallon content shown by the regauge for withdrawal.

(Interprets or applies 53 Stat. 342, 343; 26 U. S. C. 2903, 2904)

EXPORT STRIP STAMPS

§ 188.107 *Application, Form 1515.* Application for export strip stamps will be made by the proprietor on Form 1515 at the time of execution of his application to bottle in bond pursuant to § 188.48. The applicant should request the number of strip stamps necessary to bottle the quantity of spirits contained in the packages as indicated by the proof-gallon content shown by the regauge for withdrawal.

(Interprets or applies 53 Stat. 342, 343, 344; 26 U. S. C. 2903, 2904, 2905)

REBOTTING, RELABELING, AND RESTAMPING OF BOTTLED SPIRITS

§ 188.117 *Records and reports.* Application will be made on Form 1515 for the removal of bottled spirits from the internal revenue bonded warehouse for rebottling. Entries will be made in the proper columns of Form 1513, "Storekeeper-Gauger's Monthly Return for Bonded Warehouse," showing the removal of the cases for rebottling and, after rebottling, the return of the cases filled to the bonded warehouse. Application will be made on Form 1515 to the storekeeper-gauger in charge of the warehouse for strip stamps sufficient to cover the quantity of spirits bottled. Entries for rebottling untaxed spirits will be made on Form 1516 in the same manner as spirits are entered for original

bottling before tax-payment. Tax will be paid on all losses sustained in rebottling untaxed spirits in accordance with § 188.64. Spirits rebottled, relabeled, or restamped after tax-payment will not be entered on Form 1513 or 1516; however, application on Form 1515 will be made when tax-paid spirits are to be rebottled or restamped in accordance with the regulations in this part and the form properly modified to show that the spirits have been rebottled, or restamped.

(Interprets or applies 53 Stat. 342, 343; 26 U. S. C. 2903, 2904)

STOREKEEPER-GAUGER'S FILES

AUDIT OF REPORTS

§ 188.122 *Audit by district supervisor.* After audit, and not later than the last day of the month succeeding that for which Form 1516 is rendered, the district supervisor will forward one copy to the Commissioner.

(Interprets or applies 53 Stat. 342, 343; 26 U. S. C. 2903, 2904)

§ 188.122a *District supervisor's account.* The district supervisor will maintain a control account for losses in bottling for the bottling-in-bond departments of warehouses on Form 1691, "District Supervisor's Account of Losses of Alcohol or Distilled Spirits." The account shall show all of the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(Interprets or applies 53 Stat. 342, 343; 26 U. S. C. 2903, 2904)

BOTTLING OF DISTILLED SPIRITS UNDER AN APPROVED TRADE NAME OR NAMES

§ 188.126 *Bottling.* Before bottling distilled spirits in bond under an approved trade name, the proprietor will execute Form 1515, in quintuplicate, in accordance with §§ 188.48 to 188.50, and show in the appropriate place on the form the name under which the spirits are to be bottled.

(Interprets or applies 53 Stat. 342, 343; 26 U. S. C. 2903, 2904)

2. These amendments are made for the purpose of simplifying the records in connection with bottling-in-bond transactions by:

(a) Eliminating the use of Form 1518 (Application for Withdrawal of Distilled Spirits, Bottling Before Tax-payment, and Return to Bonded Warehouse) and Form 655 (Application for Withdrawal, Bottling in Bond, and Storage of Bottled Spirits for Export), and reporting the required information on Form 1515 (Distilled Spirits Bottled in Bond);

(b) Providing that cased spirits bottled for immediate exportation may be held in the bottling-in-bond department pending approval of Form 206 (Distilled Spirits for Exportation, Free of Tax) covering such exportation, and that spirits so removed shall be shown as constructively returned to the bonded warehouse and removed therefrom for exportation.

(c) Eliminating the requirement for submission of monthly report Form 1517 (District Supervisor's Account as to Transactions in Bottled-in-Bond Spirits

at Internal Revenue Bonded Warehouse) by the district supervisor.

(d) Prescribing the use of Form 1691 (District Supervisor's Account of Losses of Alcohol or Distilled Spirits) by the district supervisor in maintaining an account of losses in bottling.

3. This Treasury Decision shall be effective the 31st day after its publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176)

[SEAL]

FRED S. MARTIN,
Acting Commissioner of
Internal Revenue.

Approved: April 21, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-3589; Filed, Apr. 27, 1950;
8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter D—Military Renegotiation Regulations

PART 423—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

GENERAL CLASSES OR TYPES OF EXEMPTED CONTRACTS AND SUBCONTRACTS

Section 423.354, Appendix A to Subpart E of Part 423 of the Military Renegotiation Regulations, entitled "General classes or types of contracts and subcontracts which have been exempted by the Military Renegotiation Policy and Review Board and by the Secretary of Defense" (15 F. R. 170) is amended, by the following exemptions being made by the Military Renegotiation Policy and Review Board under the delegation of authority of the Secretary of Defense (§ 428.822, MRR, par. 2 (d)), by adding the following new items numbered 8 and 9, viz:

8. *Exemption.* All contracts made subject to the Renegotiation Act of 1948 by section 622 (a) of the National Military Establishment Appropriation Act, 1950 (i. e., contracts in excess of \$1,000 entered into in the fiscal year 1950), for procurement of supplies at prices determined by the Committee on Purchases of Blind-Made Products, pursuant to the provisions of sections 46-48, inclusive, of Title 41 of the United States Code (52 Stat. 1196), from any non-profit making agency for the blind organized under the laws of the United States or of any State and subcontracts thereunder.

Adopted by the Board: April 4, 1950.

9. *Exemption.* All subcontracts subject to the Renegotiation Act of 1948 entered into on or after January 1, 1949, which are for items customarily purchased for stock in the normal course of the purchaser's business, except when such items are specially purchased for use in performing a contract or higher tier subcontract subject to the Renegotiation Act of 1948.

Adopted by the Board: April 21, 1950.

(Sec. 3, 62 Stat. 259; 50 U. S. C. App. Sup. 1193)

FRANK L. ROBERTS,
Chairman,
Military Renegotiation
Policy and Review Board.

[F. R. Doc. 50-3593; Filed, Apr. 27, 1950;
8:45 a. m.]

RULES AND REGULATIONS

TITLE 43—PUBLIC LANDS:
INTERIORChapter I—Bureau of Land Management,
Department of the Interior

Appendix—Public Land Orders

[Public Land Order 635]

CALIFORNIA

PARTIALLY REVOKING EXECUTIVE ORDER NO.
6361 OF OCTOBER 25, 1933, WITHDRAWING
PUBLIC LANDS FOR CLASSIFICATION

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (43 U. S. C. sec. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 6361 of October 25, 1933, withdrawing certain public lands in California for classification and pending determination as to the advisability of including such lands in a national monument, is hereby revoked so far as it affects the following-described lands:

SAN BERNARDINO MERIDIAN

- T. 1 S., R. 4 E.,
Secs. 19, 20, 23, 24, 25, 26, and 30;
Secs. 33 to 36, inclusive.
T. 3 S., R. 5 E.,
Sec. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 12.
T. 3 S., R. 6 E.,
Secs. 8 and 18.
T. 7 S., R. 10 E.,
Secs. 1 to 16, inclusive;
Secs. 23 to 26, inclusive;
Sec. 36.

The areas described aggregate 22,462.88 acres, including both public and non-public lands.

The lands in T. 7 S., R. 10 E., S. B. M., are included in a withdrawal for reclamation purposes.

The following-described lands shall not become subject to the initiation of any rights or to any disposition under the public-land laws except as provided in an order issued by the Director, Bureau of Land Management, to be published simultaneously herewith, opening such lands to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. sec. 682a), as amended, with a 90-day preference right period for filing such applications by Veterans of

World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended:

SAN BERNARDINO MERIDIAN

- T. 1 S., R. 4 E.,
Sec. 19, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, E $\frac{1}{2}$ E $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 3 S., R. 6 E.,
Sec. 18, S $\frac{1}{2}$ N $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 963.72 acres.

This order shall not otherwise become effective to change the status of the remaining lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining unappropri-

ated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in The Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to The Manager, Land Office, Los Angeles, California.

OSCAR L. CHAPMAN,
Secretary of the Interior.

APRIL 24, 1950.

[F. R. Doc. 50-3594; Filed, Apr. 27, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR, Part 923]

[AO 224]

HANDLING OF IRISH POTATOES GROWN IN
PENNSYLVANIANOTICE OF HEARING WITH RESPECT TO PRO-
POSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707;

62 Stat. 1247; 63 Stat. 1051), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Federal Court Room, Post Office Building, 3rd and Walnut Streets, Harrisburg, Pennsylvania, beginning at 9:30 a. m., e. s. t., May 22, 1950, with respect to a proposed marketing agreement and order regulating the handling of Irish potatoes grown in Pennsylvania. The proposed marketing agreement and order has not received

the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order.

The State Production and Marketing Administration Committee of Pennsylvania requested a hearing on the following proposed marketing agreement and order regulating the handling of Irish potatoes grown in the proposed production area.

DEFINITIONS

§ 923.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 923.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 923.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 923.4 *Production area.* "Production area" means all territory included within the boundaries of the State of Pennsylvania.

§ 923.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 923.6 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 923.7 *Ship.* "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area, or between the production area and any point outside thereof; *Provided*, That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing, or to the sale or transportation of potatoes to a recognized dealer or packer within the production area for the purpose of having such potatoes prepared for market.

§ 923.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 923.9 *Fiscal year.* "Fiscal year" means the period beginning on June 1 of each year and ending May 31 following.

§ 923.10 *Committee.* "Committee" means the administrative committee, called the Pennsylvania Potato Committee, established pursuant to § 923.22.

§ 923.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 923.12 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of Pennsylvania or such other seed certification agencies as the Secretary may designate.

§ 923.13 *Table stock potatoes.* "Table stock potatoes" means and includes all

potatoes not included within the definition of "seed potatoes."

§ 923.14 *Wholesale pack.* "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

§ 923.15 *Consumer pack.* "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

§ 923.16 *Grade.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(b) The United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(c) State of Pennsylvania Standards for Potatoes issued by the Secretary of Agriculture, State of Pennsylvania, or amendments thereto, or modifications thereof, or variations based thereon.

§ 923.17 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 923.18 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 923.24.

§ 923.19 *Part and subpart.* "Part" means the order regulating the handling of Irish potatoes grown in Pennsylvania, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such "part."

COMMITTEE

§ 923.22 *Establishment and membership.* (a) The Pennsylvania Potato Committee, consisting of 18 members of whom 12 shall be producers and 6 shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Persons selected as committee members or alternates to represent producers shall be individuals who are producers and residents in the respective district for which selected. Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers and residents in the district for which selected. Officers or employees of corporate producers and handlers can be selected as committee members and alternates if their corporation produces or handles, respectively, potatoes in the district for which such persons are selected, and if such persons reside in the district for which they are selected.

§ 923.23 *Term of office.* (a) The term of office of committee members and alternates shall be two fiscal years;

Provided, That the terms of office of one-half of the initial members and their respective alternates shall be one fiscal year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 923.24 *Districts.* (a) For the purpose of selecting committee members and alternates, the following districts of the production area are hereby established:

District No. 1. Shall include Bucks, Montgomery, Philadelphia, Delaware, Chester, Lancaster, Lebanon, Dauphin, York, Cumberland, Perry, Adams and Franklin Counties.

District No. 2. Shall include Berks, Lehigh, and Northampton Counties.

District No. 3. Shall include Schuylkill, Carbon, Luzerne, Columbia, Northumberland, Montour, Monroe, Lackawanna, Wyoming, Susquehanna, Bradford, Sullivan, Lycoming, Union, Snyder, Wayne and Pike Counties.

District No. 4. Shall include Cambria, Somerset, Bedford, Blair, Indiana, Armstrong, Butler, Mercer, Lawrence, Beaver, Allegheny, Washington, Greene, Fayette, Westmoreland, Fulton, Huntingdon, Juniata, Mifflin, Centre, Clinton, and Clearfield Counties.

District No. 5. Shall include Potter, Tioga, McKean, Cameron, and Elk Counties.

District No. 6. Shall include Erie, Warren, Crawford, Venango, Forest, Clarion, and Jefferson Counties.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts; *Provided*, That in recommending any such changes in districts or representation the committee shall give consideration to: (1) The relative importance of new areas of production; (2) changes in the relative position, with respect to production, of existing districts; (3) the geographic locations of areas of production, insofar as they affect the efficiency of administering the marketing agreement and order; and (4) other relevant factors: *Provided further*, That there shall be no change in the total number of committee members and alternates, or in the total number of districts.

§ 923.25 *Nomination.* The Secretary may select the members of the committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for initial committee members and alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(b) In order to provide nominations for succeeding committee members and alternates:

(1) The committee shall hold or cause to be held prior to April 1 of each year, after the effective date of this subpart, a meeting or meetings of producers in each of the districts designated in § 923.24, in which producer committee vacancies will occur at the end of the

PROPOSED RULE MAKING

then current fiscal year. In like manner, the committee shall hold or cause to be held prior to April 1 of each year, after the effective date of this subpart, a meeting or meetings of handlers to nominate handler committee members and alternates to fill vacancies which will occur at the end of the then current fiscal year.

(2) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant or which is to become vacant at the end of the then current fiscal year.

(3) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year.

(4) Only producers may participate in designating nominees for producer committee members and alternates and only handlers may participate in designating nominees for handler committee members and alternates. For the purpose of designating nominees for handler committee members and alternates, a handler shall be considered to be a person who produces not more than 50 percent of the total volume of potatoes handled by himself; each person who is both a handler and a producer may vote either as a handler or as a producer and may elect, subject to such 50 percent limitation, the group in which he votes.

(5) Each producer and each handler of potatoes is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, for producer or handler committee members and alternates, respectively: *Provided*, That producers and handlers operating in more than one district shall elect the district in which they will participate in nominating committee members and alternates: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 923.26 Selection. The Secretary shall select two producer members and one handler member of the committee with their respective alternates from each of District Nos. 1, 2, 3, 4, 5, and 6 as such districts are defined in § 923.24. Each person selected as a handler member or alternate shall not produce more than 50 percent of the potatoes handled by himself.

§ 923.27 Failure to nominate. If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 923.25, the Secretary may select the committee members and alternates without regard to nominations, which selection shall be on the basis of the representation provided for in § 923.26.

§ 923.28 Acceptance. Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 923.29 Vacancies. To fill any vacancy occasioned by the failure of any person selected as a committee member or alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected from nominations made in the manner specified in § 923.25, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 923.26.

§ 923.30 Alternate members. An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 923.31 Procedure. (a) Thirteen members, including at least one handler member of the committee, shall be necessary to constitute a quorum, and 13 concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meetings by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That all votes shall be cast in person at assembled meetings.

§ 923.32 Expenses and compensation. Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$7.00 for each day, or portion thereof, spent in attending to committee business.

§ 923.33 Powers. The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 923.34 Duties. It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers for each fiscal period as may be necessary, to select subcommittees of committee members and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities, which relate to the handling or marketing of potatoes, as may be approved by the Secretary;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

BUDGET, EXPENSES, AND ASSESSMENTS

§ 923.40 Budget. The committee shall prepare a budget for each fiscal year, showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall transmit such budget to the Secretary, together with a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 923.41 Expenses. The Committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget and other available information, finds may be necessary during each fiscal year to perform its functions under this part and for such other purposes as may be appropriate pursuant to the provisions of this part.

§ 923.42 Rate of assessment. The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary, upon the basis of the committee's recommendation, or other available information. Each handler who first ships potatoes shall pay assessments to the committee, upon demand,

which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

§ 923.43 Increasing rate of assessment. Upon recommendation of the committee, or upon the basis of a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

§ 923.44 Refunds. If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 923.45 Accounting. All funds received by the committee, pursuant to any provision of this part, shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

(a) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 923.46 Collection of funds. (a) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(b) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

REGULATION

§ 923.50 Marketing policy preparation. Prior to the beginning of shipments each season, or particular portions thereof, the committee shall consider and prepare a proposed policy for the marketing of potatoes during such season or portion thereof. In developing its marketing policy the committee shall investigate relevant supply and demand

conditions for potatoes, giving appropriate consideration to:

(a) Market prices of potatoes, including prices by grade, size, and quality, in wholesale or consumer packs, or any other shipping unit;

(b) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(c) The trend and level of consumer income; and

(d) Other relevant factors.

§ 923.51 Marketing policy report. (a) The committee shall submit to the Secretary a report setting forth the aforesaid marketing policy; a copy of such report shall be made available to producers and handlers.

(b) In the event it becomes advisable to deviate from such marketing policy, because of changed supply or demand conditions, the committee shall formulate a new marketing policy in the manner outlined in § 923.50, which shall be submitted to the Secretary and made available to producers and handlers.

§ 923.52 Recommendation for regulations. The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in § 923.53, will tend to effectuate the declared policy of the act. The committee may also recommend modification, suspension, or termination of regulations in order to facilitate shipments of potatoes for the specified purposes set forth in § 923.54.

§ 923.53 Issuance of regulations. The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or quality of any or all varieties of potatoes during any period; or

(b) Regulate the shipment of particular grades, sizes, or quality of potatoes differently for different varieties, for different portions of the production area, for consumer and wholesale packs, or any combination of the foregoing, during any period; or

(c) Regulate the shipment of potatoes by establishing and maintaining, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 923.54 Modification, suspension or termination. The Secretary, whenever he finds upon the basis of recommendations and information submitted by the committee, or other available information, that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 923.42, 923.43, 923.53, 923.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government, for distribution by relief agencies, or for consumption by charitable institutions;

(d) For manufacture or conversion into specified products;

(e) For livestock feed;

(f) For other purposes which may be specified.

§ 923.55 Minimum quantity regulation. The Secretary may establish, upon the basis of a committee recommendation, or other available information, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 923.42, 923.43, 923.53, 923.65, or any combination thereof.

§ 923.56 Notification of regulation. The Secretary shall notify the committee of any regulations issued, or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 923.57 Safeguards. (a) The committee may recommend and the Secretary, upon the basis of such recommendation, or other available information, may prescribe adequate safeguards to prevent shipments effected pursuant to § 923.54 and § 923.55, from entering channels of trade for other than the specific purposes authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to § 923.54 and § 923.55;

(2) Handlers shall obtain inspection required by § 923.65, or pay the pro rata share of expenses provided by § 923.42, or both, in connection with potato shipments effected under the provisions of § 923.54 and § 923.55; *Provided*, That such inspection, or payment of expenses, or both may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of § 923.54 and § 923.55.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that potatoes shipped by him for the purposes stated in § 923.54 and § 923.55 were handled contrary to the requirements applicable thereto.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 923.65 Inspection and certification. During any period in which shipments of potatoes are regulated pursuant to the

provisions of §§ 923.42, 923.43, or 923.53, or any combination thereof, no handler shall ship potatoes unless, prior thereto, such shipment was inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate. Each handler procuring inspections pursuant to this section, shall make arrangements with the inspecting agency to forward promptly to the committee a copy of the inspection certificate; *Provided*, That the regrading, resorting, repacking, or other further preparation of inspected potatoes for market shall invalidate prior inspection thereon and subsequent shipment of such potatoes otherwise prepared for market shall not be effected unless, prior thereto, such shipment is inspected as provided in this section.

EXEMPTIONS

§ 923.70 *Procedure*. The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 923.71 *Granting exemptions*. (a) The committee may issue certificates of exemptions to any producer who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 923.53, he will be prevented from handling, or causing to be handled, as large a proportion of his production as the average proportion of production handled, or caused to be handled, during the entire season (or such portion thereof as may be determined by the committee) by all producers in said applicant's immediate area of production, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each such certificate shall permit the producer to handle, or cause to be handled, the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 923.53, he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(c) The committee shall be permitted, at any time, to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 923.72 *Appeal*. If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 923.73 *Records and reports and review of exemptions*. (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such additional information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 923.70, 923.71, 923.72, or any combination thereof.

MISCELLANEOUS PROVISIONS

§ 923.80 *Reports*. Upon the request of the committee, with the approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this part. Handlers shall maintain records from which such reported information can be verified by the committee. The Secretary shall have the right to modify, change, or rescind any requests for reports made pursuant to this section.

§ 923.81 *Compliance*. Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

§ 923.82 *Right of the Secretary*. The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or

in compliance therewith prior to such disapproval by the Secretary.

§ 923.83 *Effective time*. The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 923.84 *Termination*. (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes; *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(e) The Secretary shall terminate the provisions of this agreement at the end of any fiscal year, upon the written request of handlers signatory to this agreement who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced on or before April 30 of the then current fiscal year.¹

§ 923.85 *Proceedings after termination*. (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of, or under control of, the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest

¹ Applicable only to the proposed marketing agreement.

in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 923.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart, or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart, or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart, or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 923.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 923.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 923.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary, or of the United States, to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 923.90 *Personal liability.* No member or alternate member of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 923.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 923.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 923.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute when taken together, one and the same instrument as if all signatures were contained in one original.¹

§ 923.94 *Additional parties.* After the effective date of this agreement, any handler who has not previously executed this agreement may become a party to this agreement if a counterpart of this agreement is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.¹

§ 923.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.¹

Dated: April 24, 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-3601; Filed, Apr. 27, 1950;
8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 10]

[Docket No. 9624]

PUBLIC SAFETY RADIO SERVICES NOTICE OF PROPOSED RULE MAKING

In the matter of amendment and clarification of certain sections of Part 10, "rules governing Public Safety Radio Services."

1. Notice is hereby given of proposed rule making in the above-entitled matter. The proposed amendments set forth below are summarized as follows:

(a) The amendments of §§ 10.7, 10.255 (g), 10.305 (f), 10.355 (d), 10.405 (e), and 10.455 (e) would correct certain typographical errors and an omission from the index of Part 10.

(b) The amendments of §§ 10.65 (c), 10.105 (d), 10.107 (c), and 10.109 are for the purpose of clarification of the regulations concerning antenna changes, modulation limiters, control points, and equipment tests, respectively.

(c) The amendments of §§ 10.105 (a), 10.152, and 10.157 (b) and (c) are for the purpose of relaxing existing requirements concerning the transmission of audio frequencies in excess of 3000 cycles per second, the transmission of call signals, and the posting of station licenses, respectively.

(d) The amendments of §§ 10.104 (c) (2), 10.106 (b), and 10.255 (g) and (h)

¹ Applicable only to the proposed marketing agreement.

are for the purpose of providing the additional power bracket of 3-25 watts in the table of spurious and harmonic emissions, high power base station operation in the Police Service under certain conditions, and the use of voice emission for point to point police communications in the Territory of Alaska, only, on the frequency 7805 kilocycles.

2. Authority for the issuance of the amendments is vested in the Commission by virtue of sections 4 (i) and 303 (c), (e), (f), and (i) of the Communications Act of 1934, as amended.

3. Any interested party who is of the opinion that the proposed amendments or any one of them should not be adopted or that the proposed amendments or any one of them should not be adopted in the form set forth may file with the Commission on or before May 24, 1950, a written statement or brief setting forth his comments. Before taking final action in the matter, the Commission will consider all comments received, and if any comments appear to warrant the Commission in holding an oral argument or hearing, notice of the time and place of such oral argument or hearing will be given interested parties.

4. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 21, 1950.

Released: April 21, 1950.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

1. In §§ 10.255 (g), 10.305 (f), 10.355 (d), 10.405 (e), and 10.455 (e) change the band 16,600 to 18,000 to read "16,000 to 18,000 with limitations 1, 2."

2. In § 10.355 (d) delete limitation notes 7, 9, and 10, on the frequency 31.02 Mc.

3. In § 10.65 change paragraph (c) to read as follows:

(c) Requests for changes outlined in paragraph (b) of this section shall be submitted to the Commission on FCC Form 401a, in quadruplicate. Each copy shall be accompanied by a sketch showing the proposed change in the antenna or antenna supporting structure. If the antenna or antenna supporting structure is marked, a description of the marking shall be furnished.

4. Renumber § 10.105 (d) as § 10.105 (c) and change paragraph (c) to read as follows:

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (a) and (b) of this section which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio frequency stage of 3 watts or less.

5. Change § 10.107 (c) to read as follows:

(c) Each station which is not authorized for unattended operation shall be provided with a control point, the location of which will be specified in the license. Unattended stations may be provided with a control point if authorized by the Commission. In urban areas the location will be specified "same as transmitter" unless the control point is at a street address different from that of the transmitter. In rural areas the location will be specified "same as transmitter" unless the control point is more than 500 feet from the transmitter, in which case the approximate location will be specified in distance and direction from the transmitter in terms of feet and geographical quadrant, respectively. It will be assumed that the location of the control point is the same as the location of the transmitter unless the application includes a request for a different location described in appropriate terms as indicated in this paragraph. Authority must be obtained from the Commission for the installation of additional control points.

6. Change § 10.109 to read as follows:

§ 10.109 *Radio station tests.* (a) After a station of any type has been licensed, tests may be conducted as required for proper station and system maintenance, but such tests shall be kept to a minimum and precautions shall be taken to avoid interference to other stations.

(b) Except as indicated in paragraph (c) of this section, when construction or installation of any radio transmitting apparatus has been completed, in accordance with the terms of a construction permit and the applicable rules of the Commission, the permittee shall proceed further as follows:

(1) Notify the Engineer-in-Charge of the local Radio District of the date on which the transmitter will first be tested in such manner as to produce radiation, giving name of the permittee, station location, call sign, and frequencies on which tests are to be conducted. This notification shall be made in writing at least two days in advance of the test date.

(2) After testing, but on or before the date when the station is first used for operational purposes, mail to the Commission in Washington an application on FCC Form 403 for license or modification of license, as appropriate in the particular case. The station may thereafter be used as though licensed, pending Commission action on the license application.

(c) When either a construction permit, or a construction permit and modified license, authorizes only the addition of mobile units to a licensed station, the notification indicated in paragraph (b) (1) of this section need not be made.

(d) When a new mobile station is authorized by the simultaneous issuance of a construction permit and license, as provided in Subpart B of these rules, the licensee shall immediately notify the Engineer-in-Charge of the local Radio District in writing that such an authorization has been received. This notification

shall include the name and address of the licensee, the assigned call signal, the authorized frequencies, and the general area of operation.

7. In § 10.105 (a) delete existing paragraph (a). Renumber existing paragraphs (b), (c), and (d) to (a), (b), and (c), respectively.

8. Change § 10.152 to read as follows:

§ 10.152 *Station identification.* (a) The required identification for stations in these services shall be the assigned call signal.

(b) Nothing in this section shall be construed as prohibiting the transmission of additional station or unit identifiers which may be necessary for systems operation; *Provided, however,* Such additional identifiers shall not be composed of letters or letters and digits arranged in a manner which could be confused with an assigned radio station call signal.

(c) Except as indicated in paragraphs (d), (e), and (f) of this section, each station in these services shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer.

(d) A mobile station authorized under the same call signal as the associated base station and which transmits only on the transmitting frequency of the base station is not required to transmit any identification.

(e) A mobile station which is either authorized under a separate call signal from that of the associated base station, or which transmits on any frequency other than the transmitting frequency of the base station; or which has no associated base station, shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer. Where election is made to transmit the required identification at thirty minute intervals a single mobile unit in each general geographic area may be assigned the responsibility for such transmission and thereby eliminate any necessity for every unit of the mobile station to transmit the required identification. For the purpose of this paragraph, the term "each general geographic area" means an area not smaller than a single city or county and not larger than a single district of a state where the district is administratively established for the service in which the radio system operates.

(f) Stations which are entirely automatic in their operation will be considered for exemption from the requirements of paragraph (c) of this section.

9. Change § 10.157 (b) to read as follows:

(b) The current authorization for each base or fixed station at a fixed location shall be posted at the principal control point of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed transmitter Identification Card (FCC Form 452-C) shall be affixed to each transmitter operated at a fixed

location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position.

10. Add new paragraph (c) to § 10.157 to read as follows:

(c) The current authorization for each base or fixed station authorized to operate at temporary locations, shall be either posted at the control point of the station or retained in an envelope or other container affixed to the transmitting apparatus, either inside or outside of the transmitter cabinet.

11. In § 10.104 (c) (2) change the table to read as follows:

| Maximum authorized plate power input to the final radio frequency stage: | Attenuation (db) |
|--|------------------|
| 3 watts or less | 40 |
| Over 3 watts and including 25 watts | 50 |
| Over 25 watts and including 150 watts | 60 |
| Over 150 watts and including 600 watts | 70 |
| Over 600 watts | 80 |

12. Change § 10.106 (b) to read as follows:

(b) Except where the maximum power that may be used on a particular frequency is specifically designated in connection with the use of such frequency, plate power input to the final radio frequency stage in excess of the following tabulation will not be authorized:

| Frequency range: | Maximum plate power input to the final radio frequency stage (watts) |
|------------------|--|
| 1.6 to 3 Mc | 2,000 |
| 3 to 25 Mc | 1,000 |
| 25 to 100 Mc | 500 |
| 100 to 450 Mc | 600 |
| Above 450 Mc | (1) |

(1) In accordance with developmental authorization.

13. In § 10.255 (g) add limitation 13 to the following frequencies:

1610, 1618, 1626, 1634, 1642, 1650, 1658, 1666, 1674, 1682, 1690, 1698, 1706, 1714, 1722, 1730, and 2490 kc.; 42.02, 42.06, 42.10, 42.14, 42.34, 42.38, 42.42, 42.46, 42.50, 42.54, 42.58, 42.62, 42.66, 42.86, 42.90, 42.94, 44.62, 44.66, 44.70, 44.74, 44.94, 44.98, 45.02, and 45.06 Mc.

Add limitation 14 to the frequency 7805 kilocycles.

14. In § 10.255 (h) add subparagraph (13) and (14) to read as follows:

(13) Subject to the restrictions contained in paragraph (a) of § 10.106, base stations operating on this frequency and rendering service to state police mobile units may be authorized to use a maximum plate input power to the final radio frequency stage in excess of the maximum indicated in paragraph (b) of § 10.106 but, not in excess of 10,000 watts; *Provided,* That such operation will cause no harmful interference to the service of other stations.

(14) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point to point radio-telephone communication, using type A3 emission and a maximum plate input power of 1,000 watts to the final radio frequency stage of the transmitter.

[P. R. Doc. 50-3645; Filed, Apr. 27, 1950; 8:53 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 51]

[Docket No. FDC-54]

CANNED CORN: DEFINITIONS AND STANDARDS OF IDENTITY, QUALITY, AND FILL OF CONTAINER

ORDER EXTENDING TIME FOR FILING WRITTEN EXCEPTIONS TO TENTATIVE ORDER

On April 6, 1950, a notice of proposed rule making was issued by the Federal Security Administrator and published

in the FEDERAL REGISTER of April 12, 1950 (15 F. R. 2060). The notice provided that any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication, file with the Hearing Clerk, Federal Security Agency, Room 5109, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., written exceptions thereto, which may be accompanied by a memorandum or brief in support thereof.

The Federal Security Administrator, having been petitioned by interested persons to extend the time within which

such exceptions and supporting memoranda or briefs may be filed, and good cause therefor appearing: *It is ordered*, That the time for filing exceptions and supporting memoranda or briefs be extended until June 5, 1950, and that said extension shall apply to all interested persons whose appearances were filed at the hearing.

Dated: April 24, 1950.

[SEAL]

JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-3632; Filed, Apr. 27, 1950; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. Nos. 31421, 32534, 1499461]

CALIFORNIA

SMALL TRACT CLASSIFICATION NO. 95;
OPENING OF PUBLIC LANDS

1. Pursuant to the authority contained in Departmental Order No. 2325 (b) (3) of May 24, 1947 (12 F. R. 3566), it is ordered as follows:

Subject to valid existing rights, the following-described lands in California, released from withdrawal by Public Land Order No. 638¹ of April 24, 1950, are hereby classified as suitable for lease and sale for home, cabin, camp, health, convalescent, and recreational sites, under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, and restored to application and other forms of appropriation as hereinafter provided:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 4 E.,

Sec. 19, SE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 20, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 30, E $\frac{1}{2}$ E $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 3 S., R. 6 E.,

Sec. 18, S $\frac{1}{2}$ N $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 963.72 acres.

The lands in T. 1 S., R. 4 E., are located within the Morongo Valley, about 110 miles east of Los Angeles, in San Bernardino County. The paved State highway leading to Twenty-Nine Palms traverses the east portion of the township, from which numerous roads provide access to most of the lands.

The lands in T. 3 S., R. 6 E. are within the upper limits of the Coachella Valley in Riverside County, about 22 miles northwest of Indio and 16 miles north-east of Palm Springs. Several unimproved roads give access to Dillon Highway, which is about four miles distant.

Most public services, schools, and churches are available at Indio and Palm Springs. School bus service is provided along Dillon Highway. Electric power and telephone lines cross or are near

these lands. Water for domestic use could be purchased from existing wells, which is the common practice on the desert.

The described lands, in general, lie on sloping plains or in small basin-valleys at the base of the Little San Bernardino Mountains. The soil is sandy with frequent rocky areas, supporting the low desert shrub type of vegetation.

2. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one-day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to application under the Small Tract Act by the public generally. All such applications filed either at or before 10:00 a. m.,

on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

3. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

4. Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257, of that title.

5. The lands will be leased in tracts of approximately five acres, with dimensions of about 330 by 660 feet. The longer dimension should extend north and south for the tracts in T. 1 S., R. 4 E., and east and west for the tracts in T. 3 S., R. 6 E.

6. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause, application for which may be filed at or after the expiration of one year from the date the lease is issued.

7. Tracts will be subject to rights of way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights of way may be utilized by the Federal

¹ See Title 43, Chapter I, Appendix, *supra*.

Government, or the State, county, or municipality in which the tract is situated, or by any agency thereof. The rights of way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of patent. If not so located, they may be subject to location after patent is issued.

8. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, Los Angeles, California.

ROSCOE E. BELL,
Associate Director.

APRIL 24, 1950.

[F. R. Doc. 50-3595; Filed, Apr. 27, 1950;
8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1148]

PHILLIPS PETROLEUM CO.

ORDER POSTPONING DATE OF HEARING

APRIL 21, 1950.

By order dated March 13, 1950, the Commission set the date and place of hearing in this matter for May 1, 1950, at Bartlesville, Oklahoma.

At the present time the members of the staff of the Commission assigned to this case are engaged in other pending proceedings that prevent appearance in Bartlesville on May 1, 1950.

The Commission finds: It is appropriate and good cause exists to postpone the hearing in this matter to May 15, 1950.

The Commission orders:

The hearing in this Docket No. G-1148 now set to commence on May 1, 1950, be and the same is hereby postponed to commence on May 15, 1950, at the same place at the same time specified in the order of the Commission dated March 13, 1950.

Date of Issuance: April 24, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-3597; Filed, Apr. 27, 1950;
8:45 a. m.]

[Docket No. G-1372]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 24, 1950.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, address, El Paso, Texas, filed on April 14, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a meter station and regulator with a delivery capacity of at least 12,700 Mcf. of natural gas per year, to be located at Harlem Heights near the City of Tucson, Arizona, and a high pressure regulator with a capacity of at least 1,000 Mcf. of natural gas per year to be located near Bylas, in Graham County, Arizona.

Applicant proposes to utilize the proposed facilities to deliver natural gas to

the Tucson Gas Electric Light and Power Company for resale and distribution to the residents of Harlem Heights, near Tucson, Arizona, and to deliver natural gas to the General Utilities, Inc., for resale and delivery to the Mormon Church located near Bylas, Arizona.

The estimated cost of the proposed facilities is \$2,500.00.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of May 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-3596; Filed, Apr. 27, 1950;
8:45 a. m.]

[Docket No. G-1380]

EL PASO NATURAL GAS CO.

ORDER SUSPENDING RATE SCHEDULE

APRIL 21, 1950.

On March 16, 1950, El Paso Natural Gas Company (El Paso) filed First Revised Sheet No. 22 to its FPC Gas Tariff, to take effect as of May 1, 1950, proposing changes in its Rate Schedule G-1 applicable to wholesale service to Southern Gas Company and Southern Counties Gas Company of California.

First Revised Sheet No. 22 as filed provides for an increase in the monthly demand charge per Mcf. from the presently filed rate of \$1.25 to a proposed rate of \$1.48, and provides for an increase in the commodity charge per Mcf. from the presently filed rate of 10 cents to a proposed rate of 11 cents. The proposed increase amounts to approximately \$2,465,000 annually, or 12 percent, based on anticipated sales for the twelve month period ending April 30, 1951.

Cost data submitted by El Paso in support of the proposed increased rate show that the rate increase proposed is based in part upon estimates of future costs and cost increases, and that the increased rate may not be justified.

Unless suspended by order of the Commission said First Revised Sheet No. 22 will become effective as of May 1, 1950, pursuant to the provisions of the Natural Gas Act and the general rules and regulations thereunder.

The proposed changes in El Paso's effective Rate Schedule G-1 applicable to wholesale service to Southern California Gas Company and Southern Counties Gas Company of California, as contained in First Revised Sheet No. 22, constitutes changes in rates which may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The State regulatory commission of California, Southern California Gas Company, Southern Counties Gas Company of California, and the Cities of Los Angeles, Pasadena, Glendale, Manhattan Beach, El Segundo, Inglewood, South Gate, and San Fernando, California, have requested that the proposed

increase in rates be suspended and that a public hearing be held thereon.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in sections 4 (e) and 5 (a) of the Natural Gas Act, concerning the lawfulness of said First Revised Sheet No. 22, and said FPC Gas Tariff, and that said First Revised Sheet No. 22 and the rate schedule therein contained be suspended as hereinafter provided and the use thereof deferred pending hearing and decision herein.

The Commission orders:

(A) A public hearing be held at a date to be set by further order concerning the lawfulness of First Revised Sheet No. 22 filed by El Paso Natural Gas Company and its FPC Gas Tariff.

(B) Pending such hearing and decision thereon, said First Revised Sheet No. 22 filed by El Paso Natural Gas Company to its FPC Gas Tariff, be and the same hereby is suspended and the use thereof is deferred until October 1, 1950, and until such further time thereafter as said First Revised Sheet No. 22 may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of Issuance: April 24, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-3604; Filed, Apr. 27, 1950;
8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a, Application 20]

CENTRAL STATES MOTOR FREIGHT
BUREAU, INC.

APPLICATION FOR APPROVAL OF AGREEMENT

APRIL 25, 1950.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed April 24, 1950, by: Chester G. Moore, attorney-in-fact, 29 East Madison St., Chicago 2, Ill.

Agreement involved: An agreement between and among common carriers by motor vehicle relating to rates, charges, rules, regulations and practices for the transportation of property to, from, or between points in Central Territory as defined in Motor Carrier Rates in Central Territory, 8 M. C. C. 233, and procedures for the joint consideration, initiation and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As pro-

vided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-3609; Filed, Apr. 27, 1950;
8:47 a. m.]

[R. S. O. 562, King's I. C. C. Order 23]

PENNSYLVANIA RAILROAD CO. ET AL.

REROUTING TRAFFIC

In the opinion of Homer C. King, Agent, certain railroads, because of a strike of locomotive firemen called for April 26, 1950, by the Brotherhood of Locomotive Firemen and Enginemen, are unable to transport traffic routed over their lines in the areas affected by the strike. It is ordered, that:

(a) *Rerouting traffic.* The Pennsylvania Railroad west of Harrisburg, Pennsylvania, and New Boston Junction, Pennsylvania; the New York Central System west of Buffalo, New York; the Southern Railway System; and the Atchison, Topeka and Santa Fe Railway Company (not including the Gulf, Colorado and Santa Fe), and their connections are hereby authorized to reroute or divert traffic routed over their lines affected by strike of firemen;

The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads named or their connections desiring to divert or reroute traffic over the line or lines of another carrier under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily

agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a. m., April 25, 1950.

(g) *Expiration date.* This order shall expire at 11:59 p. m., May 25, 1950, unless otherwise modified, changed, suspended or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 24, 1950.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-3599; Filed, Apr. 27, 1950;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1203-7-1211, 7-1213-7-1216]

ANACONDA COPPER MINING CO. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of April A. D. 1950.

In the matter of applications by the Cincinnati Stock Exchange for unlisted trading privileges in Anaconda Copper Mining Company, Common Stock, \$50.00 Par Value, File No. 7-1203; Avco Manufacturing Corporation, Common Stock, \$3.00 Par Value, File No. 7-1204; Bethlehem Steel Corporation, Common Stock, No Par Value, File No. 7-1205; Benguet Consolidated Mining Company, Capital Stock, 1 Peso Par Value, File No. 7-1206; Chrysler Corporation, Common Stock, \$25.00 Par Value, File No. 7-1207; Lima Hamilton Corporation, Capital Stock, \$5.00 Par Value, File No. 7-1208; National Distillers Prod. Corporation, Common Stock, No Par Value, File No. 7-1209; Sears, Roebuck and Company, Capital Stock, No Par Value, File No. 7-1210; Standard Oil Company of Indiana, Capital Stock, \$25.00 Par Value, File No. 7-1211; Studebaker Corporation, Common Stock, \$1.00 Par Value, File No. 7-1213; Union Carbide and Carbon Corporation, Capital Stock, No Par Value, File No. 7-1214; Schenley Industries, Inc., Common Stock, \$1.75 Par Value, File No. 7-1215; International Telephone & Telegraph Corporation, Common Stock, No Par Value, File No. 7-1216.

The Cincinnati Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application to extend unlisted trading privi-

leges to each of the above-mentioned securities, each of which is registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of each application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. Each application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 15, 1950, the Commission will set the matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on these applications by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing, these applications will be determined by order of the Commission on the basis of the facts stated in the applications, and other information contained in the official files of the Commission.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-3598; Filed, Apr. 27, 1950;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14511]

KLANGFILM G. M. B. H.

In re: United States Letters Patent No. 2,178,245 owned by Klangfilm G. m. b. H. Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Klangfilm G. m. b. H., whose last known address is Berlin, Germany, is a corporation, partnership, association or other organization organized under the laws of Germany and is a national of a foreign country (Germany):

2. That the property described as follows: All right, title, and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

| Patent No. | Date of Issue | Inventor | Title |
|------------|---------------|-----------------|----------------------------|
| 2,178,245 | 10-31-39 | Karl Schwarz... | Sound Recording Apparatus. |

is property of the aforesaid national of a foreign country (Germany).

NOTICES

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-3610; Filed, Apr. 27, 1950;
8:47 a. m.]

[Vesting Order 14552]

OTTO R. SCHULTZ AND LOUISE SCHULTZ

In re: In the matter of the application of Otto R. Schultz and Louise Schultz for the Substitution of Trustee in place and stead of Seaboard Trust Company. File No. F-28-2926-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Schultheiss, whose last known address was, on March 15, 1950, Germany, was on such date a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of \$2980.08 was paid to the Attorney General of the United States by Joseph J. Garibaldi, Substituted Trustee in the matter of the Application of Otto R. Schultz and Louise Schultz for the Substitution of Trustee in place and stead of Seaboard Trust Company;

3. That the said sum of \$2980.08 was accepted by the Attorney General of the United States on March 15, 1950, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of \$2980.08 is presently in the possession of the Attorney General of the United States, and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on March 15, 1950, the national interest of the United States required that such person be treated as a national of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-3611; Filed, Apr. 27, 1950;
8:47 a. m.]

[Vesting Order 14560]

C. HERMANN OHSE AND FLORA OHSE

In re: Bond owned by C. Hermann Ohse, also known as Herman Ohse and the personal representatives, heirs, next of kin, legatees and distributees of Flora Ohse, deceased, also known as Flora Jahn Ohse. F-28-11884-E-1, F-28-11-884-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That C. Hermann Ohse, also known as Herman Ohse, whose last known address is Postschlössfach 18, Kelheim, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Flora Ohse, deceased, also known as Flora Jahn Ohse, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: One (1) United States of Brazil 1944, 3¼% Series 1/30, Plan B, Bond of \$1,000.00 face value, presently in the custody of Irving Trust Company, One Wall Street, New York 15, New York, in a blocked "General Ruling 6" Account entitled Union Bank of Switzerland, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, C. Hermann Ohse, also known as Herman Ohse and the personal representatives, heirs, next of kin, legatees and distributees of Flora Ohse, deceased, also known as Flora Jahn Ohse, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

5. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Flora Ohse, deceased, also known as Flora Jahn Ohse, referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-3612; Filed, Apr. 27, 1950;
8:47 a. m.]

[Vesting Order 14592]

STELLA N. ANHEUSER

In re: Estate of Stella N. Anheuser, deceased. File No. F-28-7514; E. T. sec. 14894.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Egon Anheuser, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Stella N. Anheuser, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Louis J. Nicolaus, St. Louis, Missouri, as Administrator, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a

national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-3613; Filed, Apr. 27, 1950;
8:47 a. m.]

[Vesting Order 14564]

ANNA MARTHA BUTTE ET AL.

In re: Interests in oil and gas in and under certain real property, and claim owned by Anna Martha Butte and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Martha Butte, Gustav Habenicht, Anna Warlich, Martha Wunsch, Elizabeth Krug, Anna Katharina Habenicht, Eliese Habenicht, and Konrad Habenicht, each of whose last known address is Gudensberg, Bezirk Kassel, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Samuel Thiel, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. An undivided three-fifths ($\frac{3}{5}$ ths) interest in and to all of the oil and gas in and under and that may be produced from the lands situated in Liberty District, Marshall County, State of West Virginia, more particularly described as Parcel I in Exhibit A, attached hereto and by reference made a part hereof, together with any and all claims for rents, refunds, royalties, benefits, or other payments arising from the ownership of such interest,

b. An undivided one-fifth ($\frac{1}{5}$ th) interest in and to all of the oil and gas in and under and that may be produced from the lands situated in Liberty District, Marshall County, State of West Virginia, more particularly described as Parcel II in Exhibit A, attached hereto and by reference made a part hereof, together with any and all claims for rents, refunds, royalties, benefits, or

other payments arising from the ownership of such interest,

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Samuel Thiel, deceased, by Peoples First National Bank & Trust Company, Pittsburgh 30, Pennsylvania, arising from the receipt by said bank of certain funds as Attorney in fact for said individuals, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Samuel Thiel, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Samuel Thiel, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3-a and 3-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-c hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.
EXHIBIT A

Parcel I. Beginning at a white walnut in Vincen Gorby heirs line and corner to Amos Chambers land, thence S. 87 $\frac{1}{4}$ E. 205 poles with said Chambers to a dogwood to the lands of McConaughy, thence with said McConaughy S. 2 $\frac{1}{4}$ W. 60 poles to a hickory to corner of John Thiel land, thence with said Thiel line 77 $\frac{1}{2}$ W. 209 poles to a sugar in the Gorby heirs line, thence with said Gorby heirs line N. 2 $\frac{1}{4}$ E. 25 poles to the place of the beginning, containing 54 acres more or

less, being the same land described as Tract No. 2 in a deed executed on May 1, 1919 by J. Howard Holt, Special Commissioner, to Amos Chambers and recorded in the Office of the Clerk of the County Court of Marshall County, West Virginia, in Deed Book No. 155 at Page 159, and being the same land described in the oil and gas lease entered into on February 1, 1939 by and between Eva Thiel and others as lessors, and the Manufacturers Light and Heat Company as lessee, and recorded in the Office of the Clerk of the County Court of Marshall County, West Virginia in Deed Book No. 209 at Page 341.

Parcel II. All that certain tract of land bounded on the North by lands now or formerly of Robert Buzzard and Maggie Harris and others, on the East by lands now or formerly of Mary J. Fry and W. C. Fish, on the South by lands now or formerly of Booker and Lancaster and on the West by lands now or formerly of Sam Marshall and W. C. Fish, containing one hundred and thirty-nine (139) acres more or less, being the same land described in an oil and gas lease entered into on February 8, 1913 by and between T. C. Pipes and others as lessors, and G. B. Kelly as lessee, and recorded in the Office of the Clerk of the County Court of Marshall County, West Virginia, in Deed Book 146 at Page 491.

[F. R. Doc. 50-3614; Filed, Apr. 27, 1950;
8:47 a. m.]

[Vesting Order 14565]

JOHANN GÜSSREGEN ET AL.

In re: Interest in mortgages owned by Johann Güssregen and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany);

Names and Last Known Addresses

Johann Güssregen, Kronach, Germany.
Johann Heinrich Güssregen, Hallstadt No. 117, Germany.
Anna Stenger, nee Güssregen, Sandof, District of Bamberg, Germany.
Georg Scharold, Hirschald, Germany.
Johann Diller, Hallstadt No. 91, Germany.
Baptist Diller, Wuerzburg, Germany.

2. That the property described as follows:

a. An undivided three-fourths ($\frac{3}{4}$ ths) interest in a mortgage, executed January 2, 1930 by Louis Luethke and Anna Luethke, his wife, to Margaret Hardtner, and recorded January 3, 1930, in the Clerk's Office of Bergen County, State of New Jersey in Liber 1225 of Mortgages, Page 22, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of the aforesaid mortgage, and any and all notes, bonds and other instruments evidencing such obligations, and

b. An undivided three-fourths ($\frac{3}{4}$ ths) interest in a mortgage, executed July 1, 1924 by John Luethke and Annie Luethke, his wife, to Peter Fessler and Josephine

Fessler, his wife, which mortgage was recorded July 8, 1924, in the Register's Office of Hudson County, State of New Jersey, in Liber 1240 of Mortgages, at Page 338, which mortgage was assigned by the aforesaid Peter Fessler and Josephine Fessler, his wife, to Margareta Hardtner, by Assignment of Mortgage, dated April 27, 1927, and recorded April 28, 1927, in the Register's Office of Hudson County, State of New Jersey, in Liber 180 of Assignments, Page 70, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of the aforesaid mortgage, and any and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 2-b hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-3615; Filed, Apr. 27, 1950;
8:47 a. m.]

[Vesting Order 14593]

ANNIE A. PFALTZ

In re: Trust under the will of Annie A. Pfaltz, deceased. File No. D-28-12708; E. T. sec. 16886.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Annunziata (Annunciata) Engelhard von Octinger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under the will of Annie A. Pfaltz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Old Colony Trust Company, as Trustee, acting under the judicial supervision of the Suffolk County Probate Court, Massachusetts;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-3616; Filed, Apr. 27, 1950;
8:47 a. m.]

[Vesting Order 14594]

ADOLPH WAGNER

In re: Estate of Adolph Wagner, deceased. File No. D-28-8215; E. T. sec. 9257.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Juliane Wagner, Albert Wagner, Rudolf Wagner, Karoline Klink, Edmund Wagner, Olga Jonas, Lydia Radtke, Gustav Wagner, Gertrud Edith Wagner, Fanny Elsa Wagner and Karl Robert Wagner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Gustav Wagner and of Erdmann Wagner, except Emma Schneider, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever

of the persons identified in subparagraphs 1 and 2 hereof, and each of them, except Emma Schneider, a resident of the United States, in and to the estate of Adolph Wagner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Emma Schneider, as administratrix, acting under the judicial supervision of the Milwaukee County Court of Probate, Milwaukee, Wisconsin.

5. That the property described as follows: All right, title, interest and estate, both legal and equitable, of the persons identified in subparagraphs 1 and 2 hereof, and each of them, except Emma Schneider, a resident of the United States, in and to that certain parcel of real property described as Lot numbered Fifteen (15), in Block numbered Seven (7) in Hopkins' Subdivision, being a subdivision of part of the South West Quarter of Section numbered Nineteen (19), in Township numbered Seven (7) North, of Range numbered Twenty-two (22) East, in the City of Milwaukee, County of Milwaukee, and State of Wisconsin, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Gustav Wagner and of Erdmann Wagner, except Emma Schneider, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-3617; Filed, Apr. 27, 1950;
8:48 a. m.]